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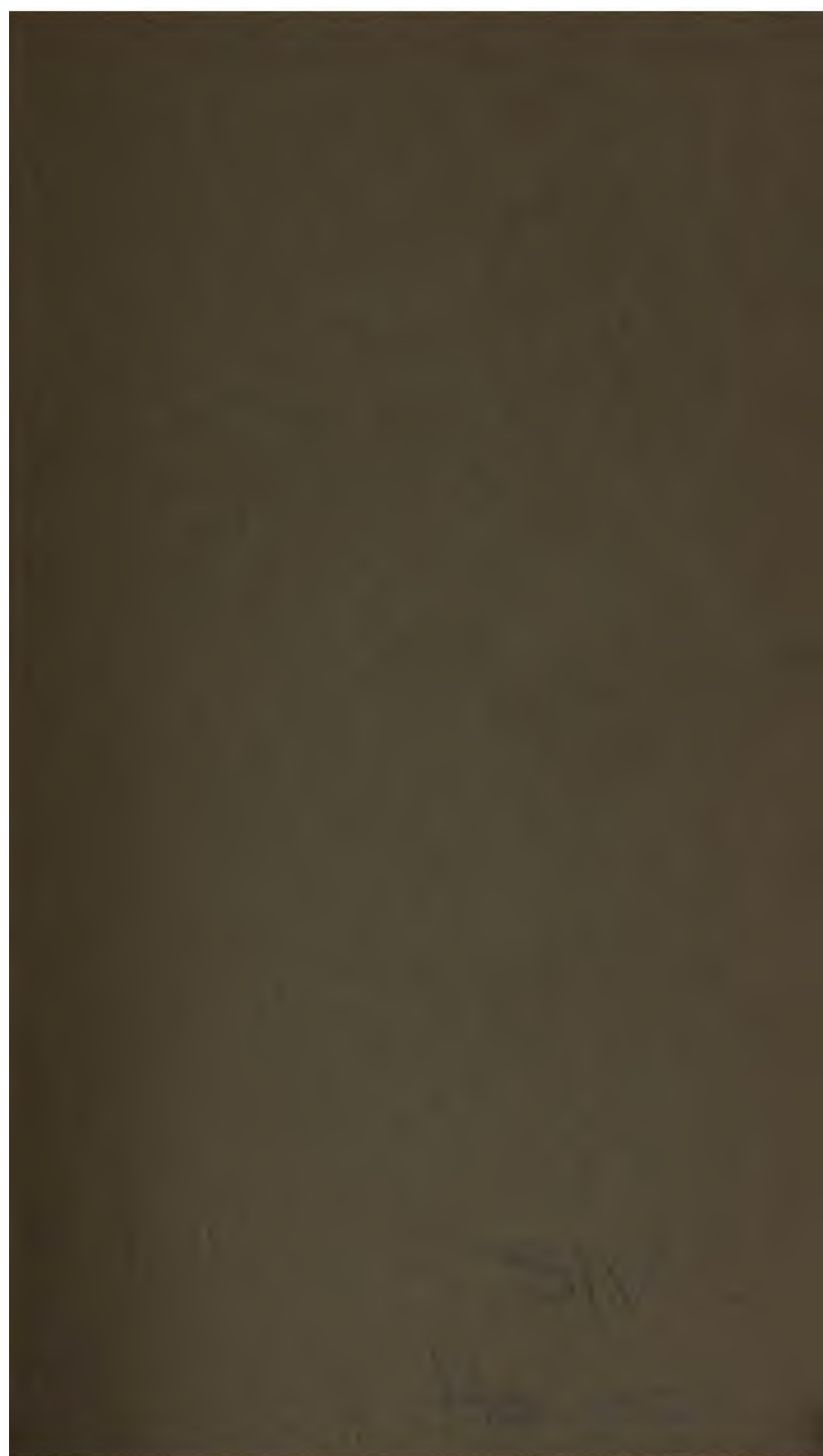
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A MANUAL
OF THE
PENSION LAWS

OF THE
UNITED STATES OF AMERICA,

EMBRACING
ALL THE LAWS UNDER WHICH PENSIONS, BOUNTIES, AND
BOUNTY LANDS ARE NOW GRANTED,

WITH THE
FORMS AND INSTRUCTIONS NOW IN USE IN AND UNDER THE AUTHORITY OF
THE PENSION OFFICE AND THE PAYMASTER GENERAL'S OFFICE:

TO THIS IS ADDED
A DIGEST OF THE MOST IMPORTANT DECISIONS OF THE AUTHORITIES IN
RELATION TO VARIOUS MATTERS PERTAINING TO
PENSIONS AND BOUNTIES:

INCLUDING
FORMS REQUISITE UNDER THE ACT GRANTING ADDITIONAL BOUNTY, PASSED
JULY 28, 1866.

By HENRY C. HARMON,
OF THE SECOND AUDITOR'S OFFICE.

WASHINGTON, D. C.: •
W. H. & O. H. MORRISON,
BOOKSELLERS AND LAW PUBLISHERS.

1867. ✓

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B.A

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W. H. & O. H. MORRISON,
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INTRODUCTION

A FEW words only are deemed necessary in introducing a work like this to the public. It speaks for itself. Its arrangement is so simple and natural, and its subjects so presented, that any person, of ordinary intelligence, can understand what is necessary in the prosecution of any just claims against the Government for pension, back pay, bounty, or bounty land.

In this compilation, no laws are introduced but what are now in force and practical use in the workings of the Pension Office. All others have been carefully excluded.

The forms and instructions in this volume are those *authorized and used* by the several departments they represent. No others have been admitted.

This is believed to be the first and only volume published containing a complete set of forms and instructions for obtaining the pay of pensions, transfer, and all other changes desired, or necessary, after a pension certificate has been issued, and the pensioner's name entered on the pension roll.

It will be seen that the proceedings necessary to procure a pension, when the claim is well founded, are very simple; and that no man needs the intervention of any intermediate party to obtain a pension who has common intelligence and an honest claim.

The steps to be taken in making up a pension case are :

1st. The declaration, with two witnesses, made before a court of record, or some officer representing it.

2d. The certificate of two surgeons as to the injury received or disease contracted, and the degree of disability resulting thereupon. If civil surgeons, it must be sworn to before some officer authorized to administer oaths.

3d. The certificate of some commissioned officer having personal

knowledge of the facts, stating the time, place, and all the circumstances attending the injury received or disease contracted, or its development or appearance. If not in the military service at the time the certificate is made, it must be sworn to and properly certified.

These three papers are all that are needed to make out a case, and if they are properly executed and true, will secure a pension. But those who attempt to get up such papers should remember they will be subjected to a comparison with the records of the War Department, as a test of the truth of what is alleged.

With these brief words of explanation, this volume is submitted to the public with the hope that it may prove a help to all those who have occasion to consult such a book, in properly making the claims that are just and true.

It has been the aim to make it a volume of *practical* value. If it does not prove so, it will be from the want of ability to make it so; not from the want of a disposition, or of effort in that direction.

The compiler desires to express his thanks to the several gentlemen connected with the Pension Office who have rendered him aid, either in preparing papers or by their council and advice; he feels under obligations to them for many valuable suggestions, as well as contributions.

A LAW

Requiring the commanders of American vessels sailing to foreign ports, and persons prosecuting claims before any of the departments or bureaus of the United States, to take the oath of allegiance.

APPROVED, JULY 17, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commanders of all American vessels sailing from ports in the United States to foreign ports, during the continuance of the present rebellion, and all persons prosecuting claims, either as attorney or on his own account, before any of the departments or bureaus of the United States, shall be required to take the oath of allegiance and to support the Constitution of the United States, (or affirm, as the case may be,) as required of persons in the civil service of the United States, by the provisions of the act of Congress approved August sixth, eighteen hundred and sixty-one.

SEC. 2. *And be it further enacted,* That the oath or affirmation herein provided for in the first section of this act may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered; and that any violation of such oath by any person or persons taking the same shall subject the offender to all the

pains and penalties of wilful, corrupt perjury, who shall be liable to be indicted and prosecuted to conviction for any such offence before any court having competent jurisdiction thereof.

In conformity with the foregoing law, the Commissioner of Pensions issued a circular under date of July 29, 1862, requiring all attorneys and agents to take the following oath of allegiance before they would thereafter be recognised as agents or attorneys in the prosecution of claims before his bureau. This oath is required to be duly subscribed before a justice of the peace or other magistrate, whose official character is required to be properly certified under seal. When thus executed, it must be transmitted to the Pension Office.

OATH.

I, ———, do solemnly ——— that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further ——— that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

THE PENSION OFFICE.

That there has been too great laxity in the management of the business of this office is well known to all who have been conversant with its affairs. It must, therefore, give satisfaction to every one who desires to see honest dealing with the Government, to know that the Commissioner is instituting that rigid scrutiny into claims, which, while it does not endanger honest men's rights, makes it a rough road to travel for rogues. No claimant or attorney who means to do an honest business with the office, will object to any rules it has adopted for its own protection, although it may subject him to some little inconvenience, and the applicant beside.

Among the improvements, the return to the old requirement of the office, that the declarations of claimants for pensions shall be made before some officer of a court of record or the court itself, is one of the greatest, and is one the most stoutly resisted and clamored against by claimants and attorneys, bankrupt in reputation, in our large cities, where it is no sort of inconvenience except to rogues and impostors. It effectually bars their arrangements by which they can get justices of the peace and notaries public, manufactured to suit their own purposes, who will certify to any thing they desire, or will sign their papers in *blank*, and leave them to fill them up with what they please, as *has been done*. It is such men who are clamoring against this rule, not attorneys who mean to do an honest and honorable business.

It is only in country towns where the declarant resides at a considerable distance from the county seat, that this rule occasions any considerable inconvenience. And here all really serious hardship is removed by the liberal policy pursued in such special cases by the Pension Office. It is not, however, where real hardship is imposed by this rule that complaints originate. Their origin is with a

very different class of persons, and it is for a very different purpose from relieving the poor soldier from hardships that this rule is clamored against. It is within the knowledge of the officers of the Government that those who have the most to say about the hardship to the poor soldier are the very men who seek every opportunity to rob him, by taxing exorbitant fees for services they thrust on him, and which he does not need, and withhold from him his certificate against all right, and for purposes forbidden by the laws.

It is to be hoped neither the Commissioner nor the Secretary of the Interior will pay any attention to the clamors against this rule, further than to watch the men who join in them. And when they find the means to convict them of their dishonest and illegal practices, they will put them on the road where they will have to earn some portion of their bread by honest toil, where honest men will not be insulted by their presence, nor public virtue further interfered with by their running at large.

PART I.

Under this division will be arranged all the laws now in force, and in practical use in the Pension Office. These apply only to cases originating prior to March 4, 1861, and are classed as follows, viz :

1. INVALID PENSION LAWS.
2. WIDOWS AND ORPHANS' PENSION LAWS.
3. NAVY PENSION LAWS.
4. BOUNTY LAND LAWS.

The bounty land laws are not restricted, superseded, or annulled by any new enactments, as is the case with these pension laws.

I.—INVALID PENSION LAWS..

The pension laws now in force may be classed as follows: 1st, The Peace Establishment; 2d, Revolutionary Pensions; 3d, Invalid Pensions of all other wars. Each of these classes is marked by distinctive peculiarities, as will be seen by an examination of what follows.

1. PEACE ESTABLISHMENT.

APPROVED, MARCH 16, 1802.

SEC. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician, or private, in the corps composing the peace establishment, shall be disabled by wounds or otherwise,

while in the line of his duty, in public service, he shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as, may be directed by the President of the United States, for the time being: *Provided always*, That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month:* *And provided, also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 15. *And be it further enacted*, That if any commissioned officer in the military peace establishment of the United States, shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years. But in the case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half

* This rate was changed, so far as officers below the grade of captain and privates are concerned, by the act of April 24, 1816. See page 17 of this book.

pay, for the remainder of the time, shall go to the child or children of such deceased officer; *Provided always*, That such half pay shall cease on the decease of such child or children.

2. REVOLUTIONARY PENSION LAWS.

ACT OF APRIL 10, 1806.

This act forms the basis of all the pension laws since enacted. They are all extensions, modifications, or additions to this as the foundation. This act expired by its own limitation in six years, but was revived and kept in force by the acts of April 25, 1812; May 15, 1820; July 4, 1822; and by the act of May 24, 1828, was revived and made permanent.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any commissioned or non-commissioned officer, musician, soldier, marine, or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission or took a discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who, in consequence of known wounds received as aforesaid, has, at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labor; whether such officer, musician, soldier, marine, or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any

particular State, he shall, upon substantiating his claim, in the manner hereinafter described, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations hereinafter mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

SEC. 2. *And be it further enacted*, That, in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the Territory in which such claimant resides, or before some person specially authorized by commission from said judge.

Decisive disability, the effect of a known wound or wounds, received while in the actual service and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such wound or wounds were received, and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion, either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant on oath or affirmation; which, when necessary for that purpose, shall be administered to said claimant by

said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or, in consequence of his disability, resigned his commission; or was, after his disability, in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence at the time of taking such testimony.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before; and that he is not on the pension list of any State; and the judge or commissioner shall certify, in writing, his opinion of the credibility of the witnesses whose affidavits he shall take, in all those cases where, by this act, it is said the proof shall be made by a credible witness or witnesses; and, also, that the examining physician or surgeon is reputable in his profession.

SEC. 3. *And be it further enacted*, That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testi-

mony was closed before him, to the Secretary for the Department of War, that the same may be compared with muster rolls, or other documents in his office; and the said Secretary shall make a statement of all such cases, which, together with all the testimony, he shall, from time to time, transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the judge, or commissioner aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

SEC. 4. *And be it further enacted*, That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony before the authority proper to take the same.

SEC. 5. *And be it further enacted*, That an increase of pension may be allowed to persons already placed upon the pension list of the United States, for disabilities caused by known wounds received during the revolutionary war, in all cases where justice shall require the same: *Provided*, That the increase, when added to the pension formerly received, shall in no case exceed a full pension.

Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district where such invalid resides; who shall report, in writing, on oath or affirmation, their opinion of the nature of the applicant's disability,

and in what degree it prevents him from obtaining a subsistence by manual labor; which report shall be transmitted, by said physicians or surgeons, to the Secretary for the Department of War, who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall, from time to time, transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

SEC. 6. *And be it further enacted*, That a full pension given by this act to a commissioned officer, shall be one-half of the monthly pay, legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, less than a full pension, shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars* a month, and the proportions, less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

SEC. 7. *And be it further enacted*, That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids who have been heretofore placed on the pension list are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

* This rate was changed, so far as officers below the grade of captain and privates are concerned, by the act of April 24, 1816. See page 17 of this book.

SEC. 8. *And be it further enacted*, That, from and after the passage of this act, no sale, transfer, or mortgage, of the whole, or any part, of the pension payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And every person claiming such pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension, that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 9. *And be it further enacted*, That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for, and in consequence of disabilities derived from known wounds received in the revolutionary war, shall be, and they are hereby, repealed: *Provided*, That nothing in this repealing clause shall injure, or in any way affect, those persons already upon the pension list of the United States; and that the Secretary for the Department of War shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

SEC. 10. *And be it further enacted*, That this act, so far as it authorizes the admission of persons upon

the pension list of the United States, shall remain in force for and during the space of six years from the passage thereof, and no longer: *Provided*, That this limitation shall not affect or impair the right of any invalid who may have completed his testimony, in the manner described by this act, before this limitation commences its operation, but which has not been transmitted to the Secretary for the Department of War.

APPROVED, MARCH 18, 1818.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every commissioned officer, non-commissioned officer, musician, and private soldier, and all officers in the hospital department and medical staff, who served in the war of the revolution until the end thereof, or for the term of nine months, or longer, at any period of the war, on the continental establishment; and every commissioned officer, non-commissioned officer, mariner, or marine, who served at the same time, and for a like term, in the naval service of the United States, who is yet a resident citizen of the United States, and who is, or hereafter, by reason of his reduced circumstances in life, shall be in need of assistance from his country for support, and shall have substantiated his claim to a pension in the manner hereinafter directed, shall receive a pension from the United States: if an officer, of twenty dollars per month during life; if a non-commissioned officer, musician, mariner, marine, or private soldier, of eight dollars per month during life: *Provided*, No person shall be entitled to the pro-

visions of this act until he shall have relinquished his claim to every pension heretofore allowed him by the laws of the United States.

SEC. 2. *And be it further enacted*, That, to entitle any person to the provisions of this act, he shall make a declaration, under oath or affirmation, before the district judge of the United States of the district, or before any judge or court of record of the county, State, or Territory in which the applicant shall reside, setting forth, if he belonged to the army, the company, regiment, and line to which he belonged; the time he entered the service, and the time and manner of leaving the service; and, in case he belonged to the navy, a like declaration, setting forth the name of the vessel and particular service in which he was employed, and the time and manner of leaving the service, and shall offer such other evidence as may be in his power; and on its appearing, to the satisfaction of the said judge, that the applicant served in the revolutionary war as aforesaid, against the common enemy, he shall certify and transmit the testimony in the case, and the proceedings had thereon, to the Secretary for the Department of War, whose duty it shall be, if satisfied the applicant comes under the provisions of this act, to place such officer, musician, mariner, marine, or soldier, on the pension list of the United States, to be paid in the same manner as pensions to invalids who have been placed on the pension list are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

SEC. 3. *And be it further enacted*, That every pension, by virtue of this act, shall commence on the day

that the declaration under oath or affirmation, prescribed in the foregoing section, shall be made.

SEC. 4. *And be it further enacted*, That, from and after the passage of this act, no sale, transfer, or mortgage, of the whole, or any part, of the pension payable in pursuance of this act, shall be valid; and any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

APPROVED, MAY 15, 1828.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each of the surviving officers of the army of the revolution, in the continental line, who was entitled to half pay by the resolve of October twenty-first, seventeen hundred and eighty, be authorized to receive, out of any money in the Treasury not otherwise appropriated, the amount of his full pay in said line, according to his rank in the line, to begin on the third of March, one thousand eight hundred and twenty-six, and to continue during his natural life: *Provided*, That under this act, no officer shall be entitled to receive a larger sum than the full pay of a captain in said line.

SEC. 2. *And be it further enacted*, That whenever any of said officers has received money of the United States, as a pensioner, since the third day of March, one thousand eight hundred and twenty-six, aforesaid, the sum so received shall be deducted from what said officer would otherwise be entitled to under the first section of this act; and every pension to

which said officer is now entitled shall cease after the passage of this act.

APPROVED, JUNE 7, 1832.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each of the surviving officers, non-commissioned officers, musicians, soldiers, and Indian spies, who shall have served in the continental line, or State troops, volunteers or militia, at one or more terms, a period of two years, during the war of the revolution, and who are not entitled to any benefit under the act for the relief of certain surviving officers and soldiers of the revolution, passed the fifteenth day of May, eighteen hundred and twenty-eight, be authorized to receive, out of any money in the treasury not otherwise appropriated, the amount of his full pay in the said line, according to his rank, but not exceeding in any case the pay of a captain in the said line; such pay to commence from the fourth day of March, one thousand eight hundred and thirty-one, and shall continue during his natural life; and that any such officer, non-commissioned officer, musician, or private, as aforesaid, who shall have served in the continental line, State troops, volunteers, or militia, a term or terms in the whole less than the above period, but not less than six months, shall be authorized to receive out of any unappropriated money in the treasury, during his natural life, each according to his term of service, an amount bearing such proportion to the annuity granted to the same rank for the service of two years, as his term of service did to the

term aforesaid; to commence from the fourth day of March, one thousand eight hundred and thirty-two.

SEC. 2. *And be it further enacted*, That no person, receiving any annuity or pension under any law of the United States providing for revolutionary officers and soldiers, shall be entitled to the benefits of this act, unless he shall first relinquish his further claim to such pension; and in all payments under this act, the amount which may have been received under any other act, as aforesaid, since the date at which the payments under this act shall commence, shall first be deducted from such payment.

SEC. 3. *And be it further enacted*, That the pay allowed by this act shall, under the direction of the Secretary of the Treasury, be paid to the officer, non-commissioned officer, musician, or private entitled thereto, or his or their authorized attorney, at such places and times as the Secretary of the Treasury may direct, and that no foreign officer shall be entitled to said pay, nor shall any officer, non-commissioned officer, musician, or private, receive the same until he furnish the said Secretary satisfactory evidence that he is entitled to the same, in conformity to the provisions of this act: and the pay hereby allowed shall not be in any way transferable or liable to attachment, levy, or seizure, by any legal process whatever, but shall inure wholly to the personal benefit of the officer, non-commissioned officer, musician, or soldier entitled to the same.

SEC. 4. *And be it further enacted*, That so much of the said pay as accrued before the approval of this act, shall be paid to the person entitled to the same as soon as may be, in the manner and under the pro-

PENSION LAWS.

...as above mentioned; and the pay which shall be payable hereafter, shall be paid semi-annually, in the manner above directed; and, in case of the death of any person embraced by the provisions of this act, the amount due to him by the act to which it is supplementary, during the period intervening between the semi-annual payment directed to be made by said acts, the proportionate amount of pay which shall accrue between the last preceding semi-annual payment and the death of such person, shall be paid to his widow, or if he leave no widow, to his children.

SEC. 5. And be it further enacted, That the officers, non-commissioned officers, mariners or marines, who served for a like term in the naval service, during the revolutionary war, shall be entitled to the benefits of this act, in the same manner as is provided for the officers and soldiers of the army of the revolution.

3. WARS SUBSEQUENT TO THE REVOLUTION.

The following is a list of the recognised wars in which the United States has been engaged, with the number of men engaged in each:

	Com. Off'rs.	Men.	Total.
War with Great Britain, 1812.....	31,210	440,412	471,622
Seminole War, 1817, 1818.....	413	5,498	5,911
Black Hawk War, 1832.....	491	4,540	5,031
Florida War, 1836—1842.....	1,621	28,332	29,953
Creek Disturbances, 1836, 1837.....	794	11,689	12,483
Southwest Disturbance, 1836.....	161	2,642	2,803
Cherokee Country, 1836, 1837.....	236	3,690	3,926
New York Frontier Disturbance, 1838-'9	115	1,013	1,128
Mexican War, 1846—1848.....	3,131	70,129	73,260
	38,172	567,945	606,117

L A W S.

APPROVED, JANUARY 11, 1812.

SEC. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician, or private, shall be disabled by wounds, or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension, and under such regulations, as are or may be directed by law: *Provided, always*, That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided, also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

APPROVED, AUGUST 2, 1813.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any commissioned officer of the militia, or of any volunteer corps, shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased

was entitled at the time of his death, for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the time, shall go to the child or children of such deceased officer: *Provided, always,* That such half pay shall cease on the death of such child or children.

SEC. 2. *And be it further enacted,* That if any officer, non-commissioned officer, musician, or private, of the militia, or of any volunteer corps, shall be disabled by known wounds received in the actual service of the United States, while in the line of his duty, he shall, upon substantiating his claim, in the manner described by an act, entitled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed the tenth day of April, one thousand eight hundred and six, be placed on the list of invalids of the United States, at such rate of pension, and under such regulations, as are provided by the said act, or as may hereafter be provided by law: *Provided, always,* That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided, also,* That all inferior disabilities shall entitle the persons so disabled to receive an allowance proportionate to the highest disability.

SEC. 3. *And be it further enacted*, That the provisions of this act shall be construed to have effect from and after the eighteenth day of June, one thousand eight hundred and twelve.

APPROVED, APRIL 24, 1816.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all persons of the rank hereinafter named, who are now on the military pension roll of the United States, shall, from and after the passage of this act, be entitled to, and receive, for disabilities of the highest degree, the following sums, in lieu of those to which they are now entitled, to wit: a first lieutenant, seventeen dollars; a second lieutenant, fifteen dollars; a third lieutenant, fourteen dollars; an ensign, thirteen dollars; and a non-commissioned officer, musician, or private, eight dollars per month: and for disabilities of a degree less than the highest, a sum proportionably less.

SEC. 2. *And be it further enacted*, That all persons of the aforesaid ranks, who may hereafter be placed on the military pension roll of the United States, shall, according to their ranks and degrees of disabilities, be placed on at the aforesaid rates of pensions, in lieu of those heretofore established: *Provided*, That nothing herein contained shall be construed to lessen the pension of any person who, by special provision, is entitled to a higher pension than is herein provided.

SEC. 3. *And be it further enacted*, That all laws and regulations, relating to the admission of the officers and soldiers of the regular army to be placed on the pension roll of the United States, shall, and they

are hereby declared to, relate equally to the officers and soldiers of the militia, whilst in the service of the United States.

APPROVED, JUNE 15, 1832.

SEC. 4. *And be it further enacted*, That the officers, non-commissioned officers, and privates, raised pursuant to this act, shall be entitled to the like compensation, in case of disability by wounds or otherwise, incurred in the service, as has heretofore been allowed to officers, non-commissioned officers, and privates in the military establishment of the United States; and shall be subject to the rules and articles of war, and such regulations as have been or shall be established according to law for the government of the army of the United States, as far as the same may be applicable to the said ranges within the intent and meaning of this act, for the protection and defence of the northwestern frontier of the United States.

APPROVED, MARCH 2, 1833.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in lieu of the battalion of mounted rangers authorized by the act of the fifteenth of June, one thousand eight hundred and thirty-two, there be established a regiment of dragoons, to be composed and organized as follows, &c. * *

SEC. 3. *And be it further enacted*, That the said regiment of dragoons shall be liable to serve on horse or foot, as the President may direct; shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; that

the officers, non-commissioned officers, musicians, farriers, and privates, shall be entitled to the same provisions for wounds and disabilities, the same provisions for widows and children, and the same allowances and benefits in every respect, as are allowed the other troops constituting the present military peace establishment.

APPROVED, MARCH 19, 1836.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the officers, non-commissioned officers, musicians, artificers, and privates, of volunteer and militia corps, who have been in the service of the United States, at any time since the first of November, in the year of our Lord one thousand eight hundred and thirty-five, or may hereafter be in the service of the United States, shall be entitled to, and receive, the same monthly pay, rations, clothing, or money in lieu thereof, and forage, and be furnished with the same camp equipage, including knapsacks, as are, or may be, provided by law for the officers, musicians, artificers, and privates, of the infantry of the army of the United States.

SEC. 4. *And be it further enacted,* That the volunteers or militia who have been, or who may be, received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

APPROVED, MAY 23, 1836.

SEC. 5. *And be it further enacted,* That the volun-

teers who may be received into the service of the United States, by virtue of the provisions of this act, shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

APPROVED, MAY 13, 1846.

Whereas, by the act of the Republic of Mexico, a state of war exists between that government and the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purpose of enabling the Government of the United States to prosecute said war to a speedy and successful termination, the President be, and he is hereby, authorized to employ the militia, naval, and military forces of the United States, and to call for and accept the services of any number of volunteers, not exceeding fifty thousand, who may offer their services, either as cavalry, artillery, infantry, or riflemen, to serve twelve months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged, according to the time for which they shall have been mustered into service; and that the sum of ten millions of dollars, out of any money in the Treasury, or to come into the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of carrying the provisions of this act into effect. * * * *

SEC. 7. *And be it further enacted,* That the volunteers who may be received into the service of the United States by virtue of the provisions of this act, and who shall be wounded or otherwise disabled

in the service, shall be entitled to all the benefit which may be conferred on persons wounded in the service of the United States.

II.—WIDOWS AND ORPHANS' PENSION LAWS.

These laws, like the preceding, apply only to cases originating prior to March 4, 1861; and in this list is embraced all the laws under which pensions are and will be granted in all cases originating prior to that date. It is only by virtue of the act of July 14, 1862, that pensions are granted to widows and orphans made by the war waged by the Southern rebels. The following laws have no application to such cases, but the same forms, rules, and regulations will be applied in the adjudication of both classes of cases.

APPROVED, JULY 4, 1836.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when any officer, non-commissioned officer, musician or private of the militia, including rangers, seafencibles, and volunteers, shall have died while in the service of the United States, since the twentieth day of April, eighteen hundred and eighteen, or who shall have died in consequence of a wound received whilst in the service, since the day aforesaid, and shall have left a widow, or, if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death or receiving such wound, for and during the term of five years; and in case of the death or marriage of such widow before the expiration of said five years, the half pay for the remainder of the time shall go to the said decedent: *Provided,* That the half pay aforesaid shall be half the monthly pay

of the officers, non-commissioned officers, musicians and privates of the infantry of the regular army, and no more: *Provided, also*, That no greater sum shall be allowed to the widow or to the child or children of any officer, than the half pay of a lieutenant colonel.

. SEC. 2. *And be it further enacted*, That if any officer, non-commissioned officer, musician, soldier, Indian spy, mariner or marine, whose service during the revolutionary war was such as is specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died since the fourth day of March, eighteen hundred and thirty-one, and before the date of said act, the amount of pension which would have accrued from the fourth day of March, eighteen hundred and thirty-one, to the time of his death, and become payable to him by virtue of that act, if he had survived the passage thereof, shall be paid to his widow; and if he left no widow, to his children, in the manner prescribed in the act hereby amended.

SEC. 3. *And be it further enacted*, That if any person who served in the war of the revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died, leaving a widow whose marriage took place before the expiration of the last period of his service, such widow shall be entitled to receive, during the time she may remain unmarried, the annuity or pension which might have been allowed to

her husband, by virtue of the act aforesaid, if living at the time it was passed.

SEC. 4. *And be it further enacted*, That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any money or half pay granted by this act, shall be utterly void and of no effect; each person acting for and in behalf of any one entitled to money under this act, shall take and subscribe an oath, to be administered by the proper accounting officers and retained by him and put on file, before a warrant shall be delivered to him, that he has no interest in said money by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

SEC. 5. *And be it further enacted*, That the Secretary of War shall adopt such forms of evidence, in applications under this act, as the President of the United States shall prescribe.

APPROVED, JULY 7, 1838.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person who served in the war of the revolution in the manner specified in the act passed the seventh of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died, leaving a widow, whose marriage took place after the expiration of the last period of his service, and before the first day of January, seventeen hundred and ninety-four, such widow shall be entitled to receive, for and dur-

ing the term of five years from the fourth day of March, eighteen hundred and thirty-six, the annuity or pension which might have been allowed to her husband, in virtue of the said act, if living at the time it was passed: *Provided*, That in the event of the marriage of such widow, said annuity or pension shall be discontinued.

SEC. 2. *And be it further enacted*, That no pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any annuity, half pay or pension, granted by this act, shall be valid, nor shall the half pay, annuity, or pension, granted by this act, or any former act of Congress, be liable to attachment, levy, or seizure, by any process, in law or equity, but shall enure wholly to the personal benefit of the pensioner or annuitant entitled to the same; and that before a warrant shall be delivered to any person acting for or in behalf of any one entitled to money under this act, such person shall take and subscribe an oath or affirmation, to be administered by the proper accounting officer, and put on file, that he has no interest in said money, by any pledge, mortgage, transfer, agreement, understanding, or arrangement, and that he does not know or believe that the same has been so disposed of to any other person.

SEC. 3. *And be it further enacted*, That the Secretary of War shall adopt such regulations and forms of evidence, in relation to applications and payments under this act, as the President of the United States may prescribe.

APPROVED, MARCH 3, 1843.

SEC. 1. *Be it enacted by the Senate and House of*

Representatives of the United States of America in Congress assembled, That the widow of any person who served in the war of the revolution in the manner set forth in the act approved the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," and whose widow, in virtue of an act approved the seventh day of July, eighteen hundred and thirty-eight, entitled "An act granting half pay and pensions to certain widows," and an act approved the twenty-third day of August, eighteen hundred and forty-two, amendatory thereof, and a resolution approved the sixteenth day of August, eighteen hundred and forty-two, entitled "A resolution declarative of the pension act of July seventh, eighteen hundred and thirty-eight," received, or is entitled to, an annuity or pension for the term of five years from the fourth of March, eighteen hundred and thirty-six, shall be entitled to receive the same annuity or pension which she received, or is entitled to receive, under said acts or said resolution, or either of them, for and during the future term of one year from the fourth day of March, eighteen hundred and forty-three, or during such portion of said term as said widow shall survive, subject in all respects, however, to the rules, limitations, and conditions, in and by said acts and resolutions made and provided.

SEC. 2. *And be it further enacted*, That the sum of three hundred and eighty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to pay the annuities or pensions in and by this act granted.

APPROVED, JUNE 17, 1844.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act granting pensions to the widows of certain revolutionary soldiers, approved the third day of March, one thousand eight hundred and forty-three, be and the same is hereby revived and extended from and during the term of four years from and after the fourth day of March, one thousand eight hundred and forty-four, to have the same effect as if said act had been a grant of pensions for five years instead of one year from and after the fourth day of March, one thousand eight hundred and forty-three.

SEC. 2. *And be it further enacted*, That such widows as have been or shall be admitted by special acts of Congress to the benefit of the pension act approved the seventh day of July, one thousand eight hundred and thirty-eight, or to the benefit of the act hereby revived and extended, shall be entitled and shall be admitted to the benefit of this act; subject, however, to the rules, limitations, and conditions in and by said acts prescribed.

APPROVED, FEBRUARY 2, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person who served in the war of the revolution in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died, or

shall hereafter die, leaving a widow, whose marriage took place before the first day of January, one thousand seven hundred and ninety-four, such widow shall be entitled to receive, for and during her natural life, from and after the fourth day of March, eighteen hundred and forty-eight, the annuity or pension which might have been allowed to her husband, in virtue of said act, if living at the time it was passed, under the same rules, regulations, and restrictions as are prescribed in the act approved July seventh, eighteen hundred and thirty-eight, entitled "An act granting half pay and pensions to certain widows:" *Provided*, That in the event of the marriage of such widow, said annuity or pension shall be discontinued.

SEC. 2. *And be it further enacted*, That such widows as have been admitted by special acts of Congress to the benefit of the pension act approved the seventh day of July, one thousand eight hundred and thirty-eight, or to the benefit of the act approved the seventeenth of June, one thousand eight hundred and forty-four, shall be entitled, and shall be admitted to the benefit of this act; subject, however, to the rules, limitations, and restrictions in and by said acts prescribed.

APPROVED, JULY 21, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the first section of the act entitled "An act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military

service of the United States, in certain cases, and for other purposes," approved July fourth, eighteen hundred and thirty-six, shall be applicable to all widows and orphans of officers, non-commissioned officers, musicians, and soldiers, of the army of the United States, who were in the army of the United States on the first day of March, eighteen hundred and forty-six, or at any subsequent period during the present war between the United States and Mexico.

SEC. 2. *And be it further enacted*, That all widows and orphans of officers, non-commissioned officers, musicians, and privates, whether of the regular army or of volunteers, who have died since the first day of April, one thousand eight hundred and forty-six, or who may die during the war with Mexico, from wounds received or from disease contracted while in the line of duty, shall be entitled to the same rate of pension as is provided for in the first section of the before mentioned act, under like limitations and restrictions: *Provided*, said death has occurred, or may hereafter occur, while said officers, non-commissioned officers, musicians, or privates, were in the service of the United States, and in the line of duty; or while returning to their usual place of residence in the United States, after having received a discharge upon a surgeon's certificate for disability incurred from wounds received, or disease contracted, while in the line of duty, or while on their march to join the army in Mexico: *And provided further*, That this act shall not be applicable to the widows and orphans of such officers, non-commissioned officers, musicians, or privates, who have not served in Mexico, or at posts or staticns on the borders of Mexico, except where such

officers, non-commissioned officers, musicians, or privates, have died while on their march to join the army in Mexico.

SEC. 3. *And be it further enacted*, That all pensions under this act shall be granted under such rules, regulations, restrictions, and limitations as the Secretary of War, with the approbation of the President of the United States, may prescribe.

APPROVED, JULY 29, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the widows of all officers, non-commissioned officers, musicians, soldiers, mariners, or marines, and Indian spies, who have served in the continental line, State troops, volunteers, militia, or in the naval service, in the revolutionary war with Great Britain, shall be entitled to a pension during such widowhood, of equal amount per annum that their husbands would have been entitled to, if living, under existing pension laws; to commence on the fourth day of March, eighteen hundred and forty-eight, and to be paid in the same manner that other pensions are paid to widows; but no widow now receiving a pension shall be entitled to receive a further pension under the provisions of this act; and no widow married after the first day of January, one thousand eight hundred, shall be entitled to receive a pension under this act.

SEC. 2. *And be it further enacted*, That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any way granted by this act,

shall be utterly void and of no effect, nor shall the annuities or pension granted by this act be liable to attachment, levy, or seizure by any process of law or equity, but shall inure wholly to the personal benefits of the pensioner or annuitant entitled to the same. The same rules of evidence, regulations, and prescriptions shall apply and govern the Commissioner of Pensions and pension agents under this act as now prevail under existing pension laws which relate to widows of revolutionary officers and soldiers.

SEC. 3. *And be it further enacted*, That this act shall take effect immediately.

APPROVED, FEBRUARY 22, 1849.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the second section of the act entitled "An act amending the act entitled 'An act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States,' in cases of deceased officers and soldiers of the militia and volunteers," approved July twenty-first, eighteen hundred and forty-eight, shall be so construed as to embrace all widows and orphans of officers, non-commissioned officers, musicians, and privates, whether of the regular army or of volunteers, who have received an honorable discharge, or who remained to the date of their death in the military service of the United States, and who have died, since their return to their usual place of residence, of wounds received or from disease contracted while in line of duty, subject to such rules, regulations, and

restrictions, as the Secretary of War, by the third section of said act, is authorized to impose.

APPROVED, SEPTEMBER 28, 1850.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the second section of the act entitled "An act amending the act entitled 'An act granting half pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States,'" approved July twenty-one, eighteen hundred and forty-eight, extended by the act of February twenty-two, eighteen hundred and forty-nine, shall be construed to embrace the widows and orphans of all persons designated therein, who died while in actual service in the late war with Mexico, or in going to and returning from the same; and also to the widows and orphans of all such persons as, having been honorably discharged, or having resigned, shall have died after the passage of said last mentioned act, or who may hereafter die, of wounds received or from disease contracted while in said service: *Provided*, That the army rolls showing the death of any of said persons in the army shall be sufficient evidence to establish that fact.

APPROVED, FEBRUARY 3, 1853.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all widows and orphans who were granted and allowed five years' half pay by the provisions of the act approved the twenty-first day

of July, one thousand eight hundred and forty-eight, entitled "An act amending the act granting half pay to widows or orphans where their husbands or fathers have died of wounds received in the military service of the United States, in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, one thousand eight hundred and thirty-six," or an act approved the twenty-second day of February, one thousand eight hundred and forty-nine, entitled "An act granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regulars and volunteers," be, and they are hereby, granted a continuance of said half pay, under like limitations and restrictions, for a further period of five years, to commence at the expiration of the half pay provided for by the aforesaid acts: *Provided, however,* That in case of the death or marriage of such widow before the expiration of said term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased officer or soldier whilst under the age of sixteen years; and in like manner the child or children of such deceased, when there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *And provided further,* That no greater sum shall be allowed in any case to the widow or the child or children of any officer than the half pay of a lieutenant colonel: *Provided, further,* That the act approved the twenty-second of February, one thousand eight hundred and forty-nine, "granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both reg-

ular and volunteer," be so extended and construed as to embrace the widows and minor heirs of the officers, non-commissioned officers, musicians, and privates of the regulars, militia, and volunteers of the war of eighteen hundred and twelve, and of the various Indian wars since 1790.

SEC. 2. *And be it further enacted*, That the widows of all officers, non-commissioned officers, musicians, and privates, of the revolutionary army, who were married subsequent to January, A. D. eighteen hundred, shall be entitled to a pension in the same manner as those who were married before that date.

APPROVED, JUNE 3, 1858.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all those surviving widows and minor children who have been, or may be granted and allowed five years' half pay under the provisions of any law or laws of the United States, be and they are hereby granted a continuance of such half pay under the following terms and limitations, viz: to such widows during life, and to such child or children, where there is no widow, whilst under the age of sixteen years, to commence from the expiration of the half pay provided for by the first section of the act entitled "An act to continue half pay to certain widows and orphans," approved February 3, 1853: *Provided, however*, That in case of the marriage or death of any such widow, the half pay shall go to the child or children of the deceased officer or soldier whilst under the age of sixteen years; and in like manner, the child or children of such deceased

officer or soldier, when there is no widow, shall be paid no longer than while there are children or a child under the age aforesaid: *And provided further*, That the half pay of such widows and orphans shall be half the monthly pay of the officers, non-commissioned officers, musicians, and privates of the infantry of the regular army of the United States, and no more, and that no greater sum shall be allowed to any such widow or minor children than the half pay of a lieutenant colonel: *And provided, also*, That this act shall not be construed to apply to or embrace the case of any person or persons now receiving a pension for life; and *further*, that whenever half pay shall have been granted by any special act of Congress, and is renewed or continued under the provisions of this act, the same shall commence from the date hereof.

III.—NAVY PENSION LAWS.

A careful examination of these laws, and a comparison of them with the army pension laws, will reveal the most extraordinary disparity between the two with regard to rates of pension. This is now at an end, and the members of the army and navy are put on the same footing, so far as cases are concerned which may originate subsequent to March 4, 1861. All such cases will be adjudicated under the act of July 14, 1862. All originating prior to that time will be adjudicated, as heretofore, under the following laws.

APPROVED, APRIL 23, 1860.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of June next, the following rules and regulations be adopted and put in force for the government of the navy of the United States:

ART. 1. The commanders of all ships and vessels

of war, belonging to the navy, are strictly enjoined and required to show, in themselves, a good example of virtue, honor, patriotism, and subordination; and be vigilant in inspecting the conduct of all such as are placed under their command; and to guard against, and suppress, all dissolute and immoral practices, and to correct all such as are guilty of them according to the usage of the sea service. * * *

SEC. 5. *And be it further enacted*, That the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture.

SEC. 6. *And be it further enacted*, That the prize-money, belonging to the officers and men, shall be distributed in the following manner:

1. To the commanding officers of fleets, squadrons, or single ships, three-twentieths, of which the commanding officers of the fleet and squadron shall have one-twentieth, if the prize be taken by a ship or vessel acting under his command, and the commander of single ships, two-twentieths; but when the prize is taken by a ship acting independently of such superior officer, the three-twentieths shall belong to her commander.

2. To sea lieutenants, captains of marines, and sailing masters, two-twentieths; but where there is a captain, without a lieutenant of marines, these officers shall be entitled to two-twentieths and one-third of a twentieth; which third, in such case, shall be de-

ducted from the share of the officers mentioned in article No. 3 of this section.

3. To chaplains, lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, and master's mates, two-twentieths.

4. To midshipmen, surgeon's mates, captain's clerks, school-masters, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sailmakers, master's-at-arms, armorers, cockswains, and coopers, three-twentieths and an half.

5. To gunner's yeomen, boatswain's yeomen, quartermasters, quartergunners, sailmaker's mates, sergeants and corporals of marines, drummers, fifiers, and extra petty officers, two-twentieths and an half.

6. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven-twentieths.

7. Whenever one or more public ships or vessels are in sight at the time any one or more ships are taking a prize or prizes, they shall all share equally in the prize or prizes, according to the number of men and guns on board each ship in sight.

No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command, before they have acted under his immediate orders; nor shall a commander of a fleet or squadron, leaving the station where he had the command, have any share in the prizes taken by ships left on such station, after he had gone out of the limits of his said command.

SEC. 7. *And be it further enacted,* That a bounty shall be paid by the United States, of twenty dollars,

for each person on board any ship of an enemy at the commencement of an engagement, which shall be sunk or destroyed by any ship or vessel belonging to the United States of equal or inferior force, the same to be divided among the officers and crew in the same manner as prize money.

SEC. 8. *And be it furthe renacted*, That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive for life, or during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding one-half his monthly pay.

SEC. 9. *And be it further enacted*, That all money accruing, or which has already accrued, to the United States from the sale of prizes, shall be and remain forever a fund for the payment of pensions and half pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same, and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines, and for such as, though not disabled, may merit by their bravery, or long and faithful services, the gratitude of their country.

SEC. 10. *And be it further enacted*, That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby authorized to receive any sums to which the United States may be entitled from the

sale of prizes, and employ and invest the same, with the interest arising therefrom, in any manner which a majority of them may deem most advantageous. And it shall be the duty of the said commissioners to lay before Congress annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

SEC. 11. *And be it further enacted*, That the act passed the second day of March, in the year one thousand seven hundred and ninety-nine, entitled "An act for the government of the navy of the United States," from and after the first day of June next, shall be, and hereby is, repealed.

APPROVED, JANUARY 20, 1813.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any officer of the navy or marines shall be killed or die, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder shall go to the child or children of the said deceased officer: *Provided*, That such half pay shall cease on the death of such child or children; and the money required for this purpose shall be paid

out of the navy pension fund, under the direction of the commissioners of that fund.

APPROVED, MARCH 14, 1814.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any officer, seaman, or marine, serving on board of any private armed ship or vessel, bearing a commission of letter of marque, shall die, or shall have died since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, by reason of a wound received in the line of his duty, leaving a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be placed on the pension list by the Secretary of the Navy, who shall allow to such widow, child or children, half the monthly pension to which the rank of the deceased would have entitled him, for the highest rate of disability, under "An act regulating pensions to persons on board private armed ships;" which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow before the expiration of the term of five years, the half pay, for the remainder of the term, shall go to the child or children of the deceased: *Provided,* That the half pay shall cease on the death of such child or children. And the several pensions hereby directed shall be paid, by the direction of the Secretary of the Navy, out of the fund provided by the seventeenth section of an act entitled "An act concerning letters of marque, prizes, and prize goods," and from no other.

SEC. 2. *And be it further enacted,* That if any seaman or marine belonging to the navy of the United States shall die, or if any officer, seaman, or marine, belonging to the navy of the United States shall have died, since the eighteenth day of June, in the year of our Lord one thousand eight [hundred] and twelve, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of the deceased: *Provided,* That such half pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

APPROVED, APRIL 16, 1818.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in every case where a person has been put on the pension list, or granted a certificate of pension, by virtue of the first section of an act passed the fourth day of March, in the year eighteen hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," the Secretary of the Navy be, and he

is hereby, authorized, at the expiration of the term of five years, for which any pension certificate shall have been granted as aforesaid, to allow the full monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, and that such pension shall continue to such person for the further term of five years: *Provided*, That such pension shall cease on the death of such widow, child, or children.

SEC. 2. *And be it further enacted*, That if any officer, seaman, or marine, shall have died since the eighteenth day of June, in the year eighteen hundred and twelve, in consequence of an accident or casualty, which occurred while in the line of his duty on board a private armed vessel, leaving a widow, or if no widow, a child or children under sixteen years of age, the Secretary of the Navy be, and he is hereby, authorized to place such widow, child, or children, on the pension list, and allow to such widow, child, or children, the same monthly pension as if the deceased had died by reason of wounds received in the line of his duty: *Provided*, That all moneys paid by virtue of this act shall be paid out of the privateer pension fund, and no other.

APPROVED, MARCH 3, 1819.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle or died of wounds received in battle, or who died in the naval service of the

United States, during the late war, the said provision shall be continued for the additional term of five years, to commence at the end of the first term of five years, in each case, respectively, making the provision equal to ten years' half pay; which shall be paid in the manner, and out of the fund, heretofore designated by law; and the said pensions shall also cease for the reasons mentioned in the said law.

APPROVED, JANUARY 22, 1824.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines who were killed in battle, or who died in the naval service of the United States, during the late war; and, also, in all cases where provision has been made for extending the term for five years, in addition to the first term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the second term of five years, in each case, respectively, making the provision equal to fifteen years' half pay; which shall be paid out of the fund heretofore provided by law; and the said pensions shall cease, for the causes mentioned in the laws providing the same, respectively.

SEC. 2. *And be it further enacted,* That from and after the passing of this act, the act entitled "An act to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed March the third, one thousand eight hundred and

seventeen; be, and the same is hereby, repealed: *Provided, however*, That nothing in this act contained shall be construed to prevent the payment of any pension already granted, until the full expiration of the period thereof; nor to affect or impair the rights of any person or persons which may have accrued during the existence of the act hereby repealed, as aforesaid.

APPROVED, JUNE 28, 1832.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where provision has been made by law, for the five years' half pay to widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States; and, also, in all cases where provision has been made for extending the term for five years, in addition to any term of five years, the said provision shall be, and is hereby, further extended for an additional term of five years, so far as respects widows only, to commence at the end of the current or last expired term of five years in each case, respectively; which pension shall be paid out of the fund heretofore provided by law. And the pension herein continued shall cease for the causes mentioned in the laws granting the same, respectively.

SEC. 2. *And be it further enacted*, That the provisions of this act shall be extended to the widows of all those who may have died by reason of wounds received during the war.

APPROVED, JULY 10, 1832.

SEC. 1. *Be it enacted by the Senate and House of*

Representatives of the United States of America in Congress assembled, That the commissioners of the navy pension and navy hospital funds be, and they are hereby, directed to close all their accounts as trustees of said funds, and to pay over the balance of cash in their hands, and to assign over and transfer all the certificates of stocks and other property belonging to said funds, and to the privateer pension fund, to the Treasurer of the United States, for the use of the Secretary of the Navy, for the payment of navy and privateer pensions, and for expenditures on account of navy hospitals, et cetera; and as soon as said assignment and transfer shall be made, said commissioners shall be, and they are hereby, released and discharged from all further trust connected with said funds, and the Secretary of the Navy be, and he is hereby, constituted the trustee of said funds; and, as such, it shall be his duty to receive applications for pensions, and to grant the same according to the terms of the acts of Congress in such case made and provided, and to direct and control the expenditures out of the navy hospital fund.

SEC. 2. *And be it further enacted*, That the balance of cash now on hand, and all moneys that may hereafter arise to said pension funds from stock redeemed, or from any other source, shall be immediately invested, under the direction of the Secretary of the Navy, in the bank stock of the Bank of the United States; and that the Secretary of the Treasury be, and hereby is, authorized to sell so much of the stock of the United States in said bank, at the par value thereof, as said navy pension funds will pay for; and to receive said navy pension funds in payment there-

of; the said bank stock to be held in the name of the Treasurer of the United States for the purposes aforesaid.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and required to cause the books to be opened, and regular accounts to be kept, showing the condition of the navy and privateer pension funds, the receipts and expenditures thereof, the names of the pensioners, and the dates and amount of their respective pensions, with a statement of the act or acts of Congress under which the same may be granted; and that he shall annually report to Congress an abstract, showing the condition of these funds in all these particulars, and the receipts and expenditures during the year; and cause a similar account of the receipts and expenditures of the navy hospital fund to be kept and reported to Congress, annually, in like manner; and at the same time, with the reports upon the pension funds.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy shall be, and he is hereby, authorized to appoint a clerk who shall perform all the duties which shall be required of him in relation to said funds; and shall receive as a full compensation for his services, and in lieu of all commissions or other allowances, a salary of one thousand six hundred dollars, to be paid quarter yearly, out of the treasury of the United States.

SEC. 5. *And be it further enacted*, That all the powers conferred, and duties imposed by laws now in force, on the commissioners of the navy and privateer pension and navy hospital funds, be, and they

are hereby, transferred to the Secretary of the Navy; and all acts, and parts of acts, contrary to the provisions of this act, be, and they are hereby, repealed.

APPROVED, AUGUST 23, 1842.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of eighty-four thousand nine hundred and fifty-one dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply any deficiency which may exist in the navy pension fund, for the payment of the semi-annual navy pensions which will be due on the first day of July, eighteen hundred and forty-two.

SEC. 2. *And be it further enacted,* That the act entitled "An act to provide for the more equitable administration of the navy pension fund," approved March third, eighteen hundred and thirty-seven, be, and the same is hereby, repealed, from and after the first day of July, eighteen hundred and forty-two. And all pensions to officers and seamen in the naval service shall be regulated according to the pay of the navy as it existed on the first day of January, one thousand eight hundred and thirty-five.

SEC. 3. *And be it further enacted,* That so much of the act entitled "An act directing the transfer of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States," approved April sixth, eighteen hundred and thirty-eight, as requires pensions that may have remained unclaimed in the hands of pension agents for eight months to be returned to

the Treasury, be, and the same is hereby, repealed, and that the time within which such pensions shall be returned to the Treasury be and the same is hereby extended to fourteen months; subject to all the other restrictions and provisions contained in the said act.

APPROVED, MARCH 3, 1845.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the pensions for the period of five years, which have been heretofore granted out of the naval pension fund, to the widows of officers, seamen, and marines, who have been killed or died by reason of a wound received in the line of their duty, or who have died by occasion of disease contracted, or of a casualty by drowning or otherwise, or of injury received while in the line of their duty, and which pensions have ceased in consequence of the expiration of the period for which they were originally granted, or for which they were subsequently renewed, shall be continued for another period of five years, to such of the said widows as have remained unmarried; to commence from the day on which such pensions, respectively, terminated; and to be paid out of any money in the treasury not otherwise appropriated: *Provided,* That every pension hereby renewed shall cease on the death or intermarriage of the widow to whom the same is hereby granted.

APPROVED, MARCH 3, 1847.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and

the same are hereby, appropriated for the payment of navy pensions for the year ending thirtieth June, eighteen hundred and forty-eight:

To pay invalid pensions, thirty-six thousand dollars.

To pay the pensions of widows of officers, seamen, and marines, sixteen thousand dollars.

SEC. 2. *And be it further enacted*, That the provisions of the act of eighteen hundred and forty-five, chapter forty-one, entitled "An act renewing certain naval pensions for the term of five years," be, and the same are hereby, extended to all pensions of similar kind which have expired since the passage of said act; and the pensions which were renewed by the said act for the term of five years, and which may expire before the next session of Congress, shall be, and hereby are, renewed and continued for another term of five years, to the persons entitled thereto, in the same manner, and subject to the same conditions as are in said act contained, and to commence from the time they may severally expire, and to be paid out of any money in the Treasury not otherwise appropriated.

For the payment of pensions under the privateer pension fund, as pledged by the Government by act of Congress of June twenty-sixth, eighteen hundred and twelve, three thousand dollars.

APPROVED, AUGUST 11, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all those widows and such child or children as are now receiving a pension under

any of the laws of Congress passed prior to the first of August, eighteen hundred and forty-one, (excepting the law passed the third of March, eighteen hundred and thirty-seven,) and those widows and children who have received pensions at any time within five years prior to the passage of this act, may and shall continue to receive the same amount as they have received under any special act, from the time such special act expired: *Provided*, Such act ceased on or after the first day of September, eighteen hundred and forty-five, or may hereafter terminate. And all such pensions as are now in force, and such as are now renewed by this act, shall be paid out of any money in the Treasury not otherwise appropriated, so long as the said widows shall live as widows; and in case of the death, before or after the passage of this act, of the widows, to the orphan child or children of the deceased parties, until they respectively arrive at the age of sixteen years; and to the child or children of said widows in case of marriage by said widows, until said child or children shall respectively arrive at the age of sixteen years; and that the act approved thirtieth April, eighteen hundred and forty-four, shall not be so construed as to exclude officers, seamen, or marines from their pensions when disabled for sea service: *Provided*, That the whole amount received by the pensioner, including pay for his service and pension, shall not exceed his lowest duty pay. That the orphan child or children of the deceased parties shall have a pension in case the widow has died after drawing a five years' pension, to commence at the time when the widow dies, and to continue until the child or children shall respect-

ively reach the age of sixteen years; and that any casualty by which an officer, seamen, or marine has lost or may lose his life while in the line of his duty, shall be considered sufficient to entitle the widow, child, or children to all the benefits of this act.

SEC. 2. *And be it further enacted*, That engineers, firemen, and coal-heavers in the navy shall be entitled to pensions in the same manner as officers, seamen, and marines; and the widows of engineers, coal-heavers, and firemen in the same manner as the widows of officers, seamen, and marines: *Provided*, That the pension of a chief engineer shall be the same as that of a lieutenant in the navy; and a pension of the widow of a chief engineer the same as that of the widow of a lieutenant in the navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; and the pension of the widow of a first assistant engineer the same as that of the widow of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; and the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; the pension of the widow of a fireman or coal-heaver the same as that of the widow of a seaman: *And provided, further*, That an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the thirty-first of August, eighteen hundred and forty-two, nor shall the widow of an engineer, fireman, or coal-heaver be entitled to any pension by reason of the death of her husband, if his death was prior to the said date.

SEC. 3. *And be it further enacted*, That the amount of pension in every case arising under this law [is] not to exceed the half pay of the deceased officer, seaman, or marine, as it existed in January, eighteen hundred and thirty-five, or such rate of pension as is allowed by this act.

IV.—BOUNTY LAND LAWS.

—APPROVED, FEBRUARY 11, 1847.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addition to the present military establishment of the United States there shall be raised and organized, under the direction of the President, for and during the war with Mexico, one regiment of dragoons and nine regiments of infantry, each to be composed of the same number and rank of commissioned and non-commissioned officers, buglers, musicians, and privates, &c., as are provided for a regiment of dragoons and infantry, respectively, under existing laws, and shall receive the same pay, rations, and allowances according to their respective grades, and be subject to the same regulations, and to the rules and articles of war, &c. * * *

SEC. 9. *And be it further enacted*, That each non-commissioned officer, musician, or private, enlisted or to be enlisted in the regular army, or regularly mustered in any volunteer company for a period of not less than twelve months, who has served or may serve during the present war with Mexico, and who shall receive an honorable discharge, or who shall have

been killed, or died of wounds received or sickness incurred in the course of such service, or who shall have been discharged before the expiration of his term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant from the War Department for the quantity of one hundred and sixty acres, and which may be located by the warrantee, or his heirs at law, at any land office of the United States, in one body, and in conformity to the legal subdivisions of the public lands, upon any of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made, to the General Land Office, a patent shall be issued therefor. That in the event of the death of any such non-commissioned officer, musician or private, during service, or after his discharge, and before the issuing of a certificate or warrant as aforesaid, the said certificate or warrant shall be issued in favor, and inure to the benefit of his family or relatives, according to the following rules: first, to the widow and to his children; second, his father; third, his mother. And in the event of his children being minors, then the legally-constituted guardian of such minor children shall, in conjunction with such of the children, if any, as may be of full age, upon being duly authorized by the orphans' or other court having probate jurisdiction, have power to sell and dispose of such certificate or warrant for the benefit of those interested. And all sales, mortgages, powers, or other instruments of writing, going to affect the title or claim to any such

bounty right, made or executed prior to the issue of such warrant or certificate, shall be null and void to all intents and purposes whatsoever, nor shall such claim to bounty-right be in any wise affected by, or charged with, or subject to, the payment of any debt or claim incurred by the soldier prior to the issuing of such certificate or warrant: *Provided*, That no land warrant issued under the provisions of this act shall be laid upon any lands of the United States to which there shall be a pre-emption right, or upon which there shall be an actual settlement and cultivation: *Provided, further*, That every such non-commissioned officer, musician, and private, who may be entitled, under the provisions of this act, to receive a certificate or warrant for one hundred and sixty acres of land, shall be allowed the option to receive such certificate or warrant, or a treasury scrip for one hundred dollars; and such scrip, whenever it is preferred, shall be issued by the Secretary of the Treasury to such person or persons as would be authorized to receive such certificates or warrants for lands; said scrip to bear an interest of six per cent. per annum, payable semi-annually, redeemable at the pleasure of the Government. And that each private, non-commissioned officer, and musician, who shall have been received into the service of the United States, since the commencement of the war with Mexico, for less than twelve months, and shall have served for such term or until honorably discharged, shall be entitled to receive a warrant for forty acres of land, which may be subject to private entry, or twenty-five dollars in scrip, if preferred: and in the event of the death of such volunteer during his term of service, or

after an honorable discharge, but before the passage of this act, then the warrant for such land or scrip shall issue to the wife, child, or children, if there be any, and, if none, then to the father, and, if there be no father, then to the mother of such deceased volunteer: *Provided*, That nothing contained in this section shall be construed to give bounty land to such volunteers as were accepted into service, and discharged without being marched to the seat of war.

APPROVED, SEPTEMBER 28, 1850.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared by the United States on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and each of the commissioned officers who were engaged in the military service of the United States in the late war with Mexico, shall be entitled to lands, as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty

acres: *Provided*, That wherever any officer or soldier was honorably discharged in consequence of disability in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve: *Provided*, The person so having been in service shall not receive said land, or any part thereof, if it shall appear, by the muster rolls of his regiment or corps, that he deserted, or was dishonorably discharged from service, or if he has received, or is entitled to, any military land bounty under any act of Congress heretofore passed.

SEC. 2. *And be it further enacted*, That the period during which any officer or soldier may have remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so detained in captivity shall receive land under the provisions of this act in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such time.

SEC. 3. *And be it further enacted*, That each commissioned and non-commissioned officer, musician, or private, for whom provision is made by the first section hereof, shall receive a certificate or warrant from the Department of the Interior for the quantity of land to which he may be entitled, and which may be located by the warrantee or his heirs-at-law, at any land office of the United States, in one body and in conformity to the legal sub-divisions of the public lands, upon any of the public lands in such district

then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made, to the General Land Office, a patent shall be issued therefor. In the event of the death of any commissioned or non-commissioned officer, musician, or private, prior or subsequent to the passage of this act, who shall have served as aforesaid, and who shall not have received bounty land for said services, a like certificate or warrant shall be issued in favor, and enure to the benefit of his widow, who shall receive one hundred and sixty acres of land in case her husband was killed in battle, but not to her heirs: *Provided*, She is unmarried at the date of her application: *Provided, further*, That no land warrant issued under the provisions of this act shall be laid upon any land of the United States to which there shall be a pre-emption right, or upon which there shall be an actual settlement and cultivation, except with the consent of such settler, to be satisfactorily proven to the proper land officer.

SEC. 4. *And be it further enacted*, That all sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant or certificate issued, or to be issued, or any land granted, or to be granted, under the provisions of this act; made or executed prior to the issue, shall be null and void to all intents and purposes whatsoever; nor shall such certificate or warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by such officer or soldier, prior to the issuing of the patent: *Provided*, That the benefits

of this act shall not accrue to any person who is a member of the present Congress: *Provided further*, That it shall be the duty of the Commissioner of the General Land Office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the General Land Office for that purpose, in such State and land district as the said holder or warrantee may designate, and upon good farming land, so far as the same can be ascertained from the maps, plats, and field notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made as aforesaid, the Secretary shall cause a patent to be transmitted to such warrantee: *And provided further*, That no patent issued under this act shall be delivered upon any power of attorney or agreement dated before the passage of this act, and that all such powers of attorney or agreements be considered and treated as null and void.

APPROVED, MARCH 22, 1852.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same, which have been or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act, according to such form, and pursuant to such regulations as may be prescribed by the Commissioner of the General

Land Office, so as to vest the assignee with all the rights of the original owners of the warrant or location: *Provided*, That any person entitled to pre-emption right to any land, shall be entitled to use any such land warrant, in payment of the same, at the rate of \$1 25 per acre, for the quantity of land therein specified: *Provided*, That the warrants which have been or may hereafter be issued in pursuance of said laws, or of this act, may be located, according to the legal subdivisions of the public lands, in one body, upon any lands of the United States, subject to private entry at the time of such location, at the minimum price: *Provided, further*, That when said warrants shall be located on lands which are subject to entry at a greater minimum than \$1 25 per acre, the locator of said warrants shall pay to the United States in cash the difference between the value of such warrants at \$1 25 per acre, and the tract of land located on.

SEC. 2. *And be it further enacted*, That the registers and receivers of the land offices shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants, issued since the 11th day of February, 1847, the same compensation or per centage to which they are entitled by law for sales of the public lands for cash, at the rate of \$1 25 per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants.

SEC. 3. *And be it further enacted*, That registers and receivers, whether in or out of office, at the passage of this act, or their legal representatives in case of death, shall be entitled to receive from the Treas-

ury of the United States, for services heretofore performed in locating military bounty land warrants, the same rate of compensation provided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May 17, 1848; *Provided*, That no register or receiver shall receive any compensation out of the treasury for past services who has charged and received illegal fees for the location of such warrants: *And provided further*, That no register or receiver shall receive for his services during any year a greater compensation than the maximum now allowed by law.

SEC. 4. *And be it further enacted*, That in all cases where the militia or volunteers or State troops of any State or Territory were called into military service, and whose services have been paid by the United States subsequent to the eighteenth of June, eighteen hundred and twelve, the officers and soldiers of such militia, volunteers, or troops, shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eighth, eighteen hundred and fifty, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required; and that the last proviso of the ninth section of the act of eleventh of February, eighteen hundred and forty-seven, be and the same is hereby repealed: *Provi-*

ded, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

SEC. 5. *And be it further enacted*, That where any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized; in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land any officer or soldier is entitled to under said act, approved twenty-eighth of September, eighteen hundred and fifty, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched, to enter the service.

APPROVED, MARCH 3, 1855.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each of the surviving commissioned and non-commissioned officers, musicians, and privates, whether of regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States, and every officer, commis-

sioned or non-commissioned, seamen, ordinary seaman, flotillaman, marine, clerk, and landsman in the navy, in any of the wars in which this country has been engaged since seventeen hundred and ninety, and each of the survivors of the militia, or volunteers, or State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States, shall be entitled to receive a certificate or warrant from the Department of the Interior for one hundred and sixty acres of land; and where any of those who have been so mustered into service and paid shall have received a certificate or warrant, he shall be entitled to a certificate or warrant for such quantity of land as will make, in the whole, with what he may have heretofore received, one hundred and sixty acres to each such person having served as aforesaid: *Provided*, The person so having been in service shall not receive said land warrant if it shall appear by the muster rolls of his regiment or corps that he deserted, or was dishonorably discharged from service: *Provided, further*, That the benefits of this section shall be held to extend to waggon masters and teamsters who may have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

SEC. 2. *And be it further enacted*, That in case of the death of any person who, if living, would be entitled to a certificate or warrant, as aforesaid, under this act, leaving a widow, or, if no widow, a minor child or children, such widow, or, if no widow, such minor child or children, shall be entitled to receive a certificate or warrant for the same quantity of land

ded, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

SEC. 5. *And be it further enacted*, That where any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized; in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land any officer or soldier is entitled to under said act, approved twenty-eighth of September, eighteen hundred and fifty, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched, to enter the service.

APPROVED, MARCH 3, 1855.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each of the surviving commissioned and non-commissioned officers, musicians, and privates, whether of regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States, and every officer, commis-

five cents per acre; the said compensation to be paid by the assignees or holders of such warrants.

SEC. 7. *And be it further enacted*, That the provisions of this act, and all the bounty land laws heretofore passed by Congress, shall be extended to Indians, in the same manner and to the same extent as if the said Indians had been white men.

SEC. 8. *And be it further enacted*, That the officers and soldiers of the revolutionary war, or their widows or minor children, shall be entitled to the benefits of this act.

SEC. 9. *And be it further enacted*, That the benefits of this act shall be applied to and embrace those who served as volunteers at the invasion of Plattsburg, in September, eighteen hundred and fourteen; also at the battle of King's Mountain, in the revolutionary war, and the battle of Nickojack against the confederated savages of the South.

SEC. 10. *And be it further enacted*, That the provisions of this act shall apply to the chaplains who served with the army in the several wars of the country.

SEC. 11. *And be it further enacted*, That the provisions of this act be applied to those who served as volunteers at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve—fifteen.

APPROVED, MAY 14, 1856.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a certificate or warrant for bounty land for any less quantity than one hundred and sixty acres shall have been issued to any

officer or soldier, or to the widow or minor child or children of any officer or soldier, under existing laws, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child or children, for a certificate or warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child or children: *Provided, nevertheless,* That if upon a review of such evidence the Commissioner of Pensions shall not be satisfied that the former certificate or warrant was properly granted, he may require additional evidence as well of the term as of the fact of service.

SEC. 2. *And be it further enacted,* That in all cases where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty land under existing laws; and upon proof of his identity as such pensioner, a certificate or warrant may be issued to him for the quantity of land to which he shall be entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a certificate or warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow; and in case of the death of such officer or soldier, leaving a minor child or children and no widow, or where the widow may have deceased before the is-

suing of any certificate or warrant, such minor child or children shall be entitled to a certificate or warrant for the same quantity of land as the father would have been entitled to receive, if living, upon proof of the decease of father and mother: *Provided, nevertheless*, That if upon a review of such evidence the Commissioner of Pensions shall not be satisfied that the pension was properly granted, he may require additional evidence as well of the term as of the fact of service.

SEC. 3. *And be it further enacted*, That so much of the third section of the "Act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March third, eighteen hundred and fifty-five, as requires the party claiming a certificate or warrant under the provisions of said act, to establish his or her right thereto by record evidence of the service for which such certificate or warrant has been or may be claimed, be, and the same is hereby, repealed, and parole evidence, where no record evidence exists, may be admitted to prove the service performed, under such rules and regulations as the Commissioner of Pensions may prescribe.

SEC. 4. *And be it further enacted*, That the eighth section of the act above mentioned, approved the third day of March, in the year eighteen hundred and fifty-five, shall be construed as embracing officers, marines, seamen, and other persons engaged in the naval service of the United States during the revolutionary war, and the widows and minor children of all such officers, marines, seamen, and other persons engaged as aforesaid.

SEC. 5. *And be it further enacted*, That the provisions of the said act shall extend to all persons who have served as volunteers with the armed forces of the United States, subject to military orders, for the space of fourteen days, in any of the wars specified in the first section of the said act, whether such persons were or were not mustered into service of the United States.

SEC. 6. *And be it further enacted*, That the widows and minor children of all such persons as are specified in the last preceding section of this act, and are now dead, shall be entitled to the same privileges as the widows and minor children of the beneficiaries named in the act to which this is an amendment.

SEC. 7. *And be it further enacted*, That when any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized; in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged to the place where it was organized, and from whence it marched to enter the service: *Provided*, That such march was in obedience to the command or direction of the President of the United States, or some gen-

eral officer of the United States commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

APPROVED, JUNE 3, 1858.

Be it further enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when proof has been or shall hereafter be filed in the Pension Office, during the lifetime of a claimant, establishing, to the satisfaction of that office, his or her right to a warrant for military services, and such warrant has not been or may not hereafter be issued until after the death of the claimant, and all such warrants as have been heretofore issued subsequent to the death of the claimant, the title to such warrants shall vest in the widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all such warrants, and all other warrants issued pursuant to existing laws, shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

SEC. 2. *And be it further enacted,* That the provisions of the first section of the act approved March twenty-two, eighteen hundred and fifty-two, to make land warrants assignable, and for other purposes, shall be so extended as to embrace land warrants issued under the act of the third March, eighteen hundred and fifty-five.

INSTRUCTIONS AND FORMS.

NOTE.

In all references to claims for bounty land under the above acts, and in all inquiries relative to the same, parties will be careful to state the name of the applicant, the number of the application, and the act under which it was made.

These acts entitle each of the surviving persons in the following classes to a certificate or warrant for such quantity of land as shall make, in the whole, with what he may have heretofore received, one hundred and sixty acres, provided he shall have served a period not less than fourteen days, to wit:

1. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States in any of the wars in which this country was engaged between the year 1790 and March 3, 1855.

2. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotillamen, marines, clerks, and landsmen in the navy in any of said wars.

3. Militia, volunteers, and State troops of any State or Territory called into military service, and regularly mustered therein, and whose services have been paid by the United States.

4. Waggon masters and teamsters who have been employed, under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

5. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

6. Chaplains who served with the army in the several wars of this country.

7. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

Each of the surviving persons in the following classes are entitled to a like certificate for a like quantity of land, without regard to the length of service, provided he was regularly mustered into service, to wit:

1. Officers and soldiers who have actually been in battle in any of the wars in which this country was engaged prior to March 3, 1855.

2. Those volunteers who served at the invasion of Plattsburg, in September, 1814.

3. The volunteers who served at the battle of King's Mountain, in the revolutionary war.

4. The volunteers who served at the battle of Nick-o-jack against the confederated savages of the South.

5. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of 1812.

In addition to these classes, these acts also extend to all Indians who have served the United States in any of their wars the provisions of this and all the bounty land laws heretofore passed, in the same manner and to the same extent as if said Indians had been white men.

Where the service has been rendered by a substitute he is the person entitled to the benefit of these acts, and not his employer.

In the event of the death of any person who, if

living, would be entitled to a certificate or warrant as aforesaid, leaving a widow, or, if no widow, a minor child or children, such widow, or, if no widow, such minor child or children, is entitled to a certificate or warrant for the same quantity of land such deceased person would be entitled to receive under the provisions of said acts, if now living.

A subsequent marriage will not impair the right of any such widow to such warrant, if she be a widow at the time of her application. Persons within the age of twenty-one years on the 3d day of March, 1855, are deemed minors within the intent and meaning of said acts.

To obtain the benefits of these acts, the claimant must make a declaration, under oath, substantially according to the forms hereto annexed. The signature of the applicant must be attested, and his or her personal identity established, by the affidavits of two witnesses, whose residence must be given, and whose credibility must be sustained by the certificate of the magistrate before whom the application is verified.

The best evidence of identity is the affidavits of the witnesses, or the certificates of the magistrate to the same, as a matter within their personal knowledge. Statements of *belief* merely will not be sufficient. If, however, the witnesses or magistrate cannot state from personal knowledge, statements of belief, *with the grounds of such belief*, will be received. If from acquaintance, the particulars of the acquaintance should be stated, so that it may be seen how far they warrant the belief stated. So if from other grounds.

The accompanying form is the proper one where the

identity of the applicant is within the personal knowledge of the magistrate. It can be varied according to the circumstances, but must be in conformity with the foregoing instructions.

No certificate will be deemed sufficient in any case, unless the facts are certified to be within the personal knowledge of the magistrate or other officer who shall sign the certificate, or the names and places of residence of the witnesses by whom the facts are established be given, and their affidavits, properly authenticated, be appended to the certificate.

All papers necessary to be verified by oath must be sworn to before, and certified and authenticated by, proper public officers who have no interest in the result of the case, and are not concerned in its prosecution; and every such public officer must set forth in his certificate that he is not so interested or concerned.

The official character and signature of the magistrate who may administer the oath must be certified by the clerk of the proper court of record of his county, under the seal of the court. Whenever the certificate of the officer who authenticates the signature of the magistrate is not written on the same sheet of paper which contains the signature to be authenticated, the certificate must be attached to said paper by a piece of tape or ribbon, the ends of which must pass under the official seal, so as to prevent any paper from being improperly attached to the certificate.

When the commission of a notary public, or a certified copy of his appointment, with his official seal and signature attached, and the certificate of the clerk of a court of the genuineness of his signature, is filed

in this office, his own certificate, under his official seal, will be recognised thereafter during his term of office; but, in the absence of said commission or certified copy of his appointment, an affidavit taken before such officer will not be received in any case, unless it be accompanied by a certificate of the proper officer, showing his authority and the genuineness of his signature.

To all official certificates by a notary public of whose appointment general proof has been filed as above suggested, should be added a brief reference to such proof on file, so to insure against its being overlooked.

Applications by widows must be supported by satisfactory proof of the marriage of the claimant to the soldier on account of whose services her claim is made; of his death; and that the claimant at the time of making her application was a widow—*i. e., unmarried.*

If the marriage was in any State or country where any public records of marriages are kept, it should be proved by a duly certified copy of the record; or, if there is no such record, by the testimony of credible witnesses who were present at the marriage; and where such testimony exists, and is not produced, satisfactory reasons must be stated, under oath, why it is not produced. If it is shown by affidavit *that no record evidence or testimony of eye-witnesses can be procured*, the claimant may then produce the best other evidence in her power; such as the testimony of witnesses who were acquainted with her and her husband during his lifetime; knew them to live together as man and wife, and that they were reputed so to be; and that the fact of their having been married was never called in question by their acquaintances.

In no case will the mere statement of the witnesses that the claimant *is the widow* of the deceased, be taken as evidence of the marriage; but the witnesses must state the facts and circumstances from which they derive their knowledge or opinion that she is the widow of the deceased.

Witnesses to prove the death of the soldier must state their means of knowledge concerning it, and, as nearly as they can, the time and place of its occurrence.

The evidence to prove the existing widowhood of the claimant must be direct, and the statement of witnesses that the claimant is the party she represents herself to be will not be received as satisfactory proof of widowhood.

All applications in behalf of minors must be made in their names by their guardian or next friend. Where there are several minors entitled to the same gratuity, one may make the declaration. The warrant will be issued to all jointly. In addition to proof of service, as in other cases, applications by minors must be supported by satisfactory proof of their being the lawful children of the soldier on account of whose services their claim is made; of his death; of there being no widow surviving at the time of making their application; of their ages; and that they are the only surviving children of the deceased soldier who were under the age of twenty-one years on the 3d day of March, 1855.

General reputation among those acquainted with the family without any question of being the lawful children of the deceased soldier, will be received as evidence of their being such.

The suggestions before made in relation to proof of the death of the soldier, in cases of applications by widows, apply also to applications by minor children.

If there is any public record of the births of the children, a certificate of the same, properly authenticated, must be furnished. If there be none such, but a private or family record, it must be forwarded to this office for inspection, with proof of its authenticity. It will be duly returned to the parties, if desired. But if no public or private record of the births exists or can be procured, that fact must be shown by proper affidavit, and then other evidence will be received. Witnesses to prove the ages must state particularly their means of knowledge concerning the date of birth, and how they now fix the date. To avoid mistakes, the names and ages of *all* the surviving children of the deceased soldier should be shown by proper proof, so that this office may determine who of them are entitled to the land.

Applications made by Indians must be authenticated according to the regulations to be prescribed by the Commissioner of Indian Affairs.

If record evidence of the service on account of which a claim is made exists, it must be produced. But if there be none, parol evidence will be received instead. In such cases the positive testimony of at least two witnesses who were in the same service, or in a situation to know the facts about which they testify, will be required to establish the service alleged. And the witnesses in their affidavits must state particularly the facts and circumstances of the service claimed, and their means of knowledge concerning the same.

In every case, documentary evidence of the service of the *company*, to which the applicant claims to have belonged, will be required.

In no case will parol evidence be admitted to vary or discredit the length of any service shown by the rolls.

When claim is made for any allowance on account of mileage not shown by the rolls, a declaration must be made stating the place where the company or corps in which service is alleged was organized—where it was mustered into the service of the United States—the distance between those two places—and by whose order the march was made. Also, the place where it was discharged from service, and the distance from thence to the place where it was organized. This statement must be supported by testimony of witnesses or other proper proof.

In all claims under these acts reference may be made to any evidence on file in this office, but in all such references care must be taken to give a particular description of the case in which such evidence is.

Agents must, in all cases, have proper authority from the claimants in whose behalf they appear. No power of attorney will be recognised as sufficient unless signed in the presence of two witnesses, and acknowledged before a duly qualified officer, whose authority is certified under seal.

All additional evidence should be distinctly noted as such, with a particular description of the claim to which it relates.

JOSEPH H. BARRETT,

Commissioner.

FORM OF A DECLARATION

To be made by a person who has never before had a land warrant, or made a declaration therefor.

STATE OF _____; }
County of _____, } ss:

On this _____ day of _____, A. D. one thousand eight hundred and _____, personally appeared before me, a justice of the peace, (or other officer authorized to administer oaths for general purposes,) within and for the county and State aforesaid, _____, aged _____ years, a resident of _____, in the State of _____, who, being duly sworn according to law, declares that he is the identical _____, who was a _____ in the company* commanded by Captain _____, in the regiment of _____, commanded by _____, in the war with Great Britain, declared by the United States on the 18th day of June, 1812, (or other war embraced in said act, describing what war,) that he enlisted (or volunteered, or was drafted) at _____, on or about the _____ day of _____, A. D. _____, for the term of _____, and continued in actual service in said war for the term of fourteen days, and was honorably discharged at _____, on the _____ day of _____, A. D. _____.†

He makes this declaration for the purpose of obtaining the bounty land to which he may be entitled under the act approved March 3, 1855. He also declares that he has not received a warrant for bounty land under this or any other act of Congress, nor made any other application therefor.

(Signature of the claimant.)

We, _____ and _____, residents of _____, in the State of _____, upon our oaths, declare that the foregoing declaration was signed and acknowledged by _____ in our presence, and that we believe, from the appearance and statements of the applicant, that he is the identical person he represents himself to be.

(Signatures of witnesses.)

* If the claimant was a regimental or staff officer, the declaration must be varied according to the facts of the case.

† If the claimant was discharged in consequence of disability incurred by the service, or if he was in captivity with the enemy, he must vary his declaration so as to set forth the facts of the case.

The foregoing declaration and affidavit were sworn to and subscribed before me on the day and year above written; and I certify that I know the affiants to be credible persons; that the claimant is the person he represents himself to be, and that I have no interest in this claim.

_____, J. P.

FORM OF A DECLARATION

To be made where the party has had a warrant and desires another.

STATE OF _____, }
County of _____, } ss:

On this _____ day of _____, A. D. one thousand eight hundred and _____, personally appeared before me, a justice of the peace (or other officer authorized to administer oaths for general purposes) within and for the county and State aforesaid, _____, aged _____ years, a resident of _____, in the State of _____, who, being duly sworn according to law, declares that he is the identical _____ who was a _____ in the company commanded by Captain _____, in the _____ regiment of _____, commanded by _____, in the war with Great Britain, declared by the United States on the 18th day of June, 1812, (or other war, as the case may be,) for the term of _____, and continued in actual service in said war for fourteen days; that he has heretofore made application for bounty land under the act of September 28, 1850, (or other act, as the case may be,) and received a land warrant, No. _____, for _____ acres.

He makes this declaration for the purpose of obtaining the additional bounty land to which he may be entitled under the act approved the 3d day of March, 1855. He also declares that he has never applied for nor received, under this or any other act of Congress, any bounty land warrant except the one above mentioned.

(Signature of the claimant.)

We, _____ and _____, residents of _____, in the State of _____, upon our oaths, declare that the foregoing declaration was signed and acknowledged by _____, in our presence, and that

we believe, from the appearance and statements of the applicant, that he is the identical person he represents himself to be.

(Signatures of witnesses.)

—

The foregoing declaration and affidavit were sworn to and subscribed before me on the day and year above written; and I certify that I know the affiants to be credible persons; that the claimant is the person he represents himself to be, and that I have no interest in this claim.

— — — — —, J. P.

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FORM OF DECLARATION

To be made by the widow of a deceased person who has not had a land warrant.

STATE OF ———, }
County of ———, } ss:

On this ——— day of ———, A. D. one thousand eight hundred and ———, personally appeared before me, a justice of the peace (or other officer authorized to administer oaths for general purposes) within and for the county and State aforesaid, ———, aged ——— years, a resident of ———, in the State of ———, who, being duly sworn according to law, declares that she is the widow of ———, deceased, who was a ——— in the company commanded by Captain ———, in the ——— regiment of ———, commanded by ———, in the war with Great Britain, declared by the United States on the 18th day of June, 1812, (or other war, as the case may be;) that her said husband enlisted (or volunteered, or was drafted) at ———, on or about the ——— day of ———, A. D. ———, for the term of ———, and continued in actual service in said war for the term of ———, and was honorably discharged at ———, on the ——— day of ———, A. D. ———.

She further states that she was married to the said ——— in ———, on the ——— day of ———, A. D. ———, by one ———, a ———, and that her name before her said marriage was

_____; that her said husband died at _____, on the _____ day of _____, A. D. _____, and that she is now a widow.*

She makes this declaration for the purpose of obtaining the bounty land to which she may be entitled under the "act approved March 3, 1855." And she further declares that she has not received or applied for bounty land under this or any other act of Congress.

(Claimant's signature.)

We, _____ and _____, residents of _____, in the State of _____, upon our oaths declare that the foregoing declaration was signed and acknowledged by _____ in our presence, and that we believe, from the appearance and statements of the applicant, that she is the identical person she represents herself to be, and is still a widow.

(Signatures of witnesses.)

The foregoing declaration and affidavit were sworn to and subscribed before me on the day and year above written; and I certify that I know the affiants to be credible persons; that the claimant is the person she represents herself to be, and is still a widow; and that I have no interest in this claim.

_____, J. P.

NOTE.—The preceding forms may be used for applications for minors, *mutatis mutandis*.

FORM OF DECLARATION

To be made by the widow of a deceased person who has had a land warrant, and desires another.

STATE OF _____, }
County of _____, } ss:

On this _____ day of _____, A. D. one thousand eight hundred and _____, personally appeared before me, a justice of the peace,

* The notes to the preceding declaration are also applicable to this. In some cases it will, perhaps, be impossible for the widow to state the facts in relation to her husband's services with the particularity as to dates, &c., indicated by the above form. In such case she must state such facts as she can.

(or other officer authorized to administer oaths for general purposes,) within and for the county and State aforesaid, ———, aged ——— years, a resident of ———, in the State of ———, who, being duly sworn according to law, declares that she is the widow of ———, deceased, who was a ——— in the company commanded by Captain ———, in the ——— regiment of ———, commanded by ———, in the war with Great Britain, declared by the United States on the 18th day of June, 1812, (or other war, as the case may be,) that her said husband enlisted (or volunteered, or was drafted) at ———, on or about the ——— of ———, A. D. ———, for the term of ———, and continued in actual service in said war for the term of ———, and was honorably discharged at ———, on the ——— day of ———, A. D. ———.

She further states, that she was married to the said ——— in ———, on the ——— day of ———, A. D. ———, by one ———, a ———, and that her name before her said marriage was ———; that her said husband died at ———, on the ——— day of ———, A. D. ———, and that she is now a widow.

She further declares that she has heretofore made application for bounty land under the act approved September 28, 1850, (or other act, as the case may be,) and obtained a land warrant for ——— acres, No. ———.

She makes this declaration for the purpose of obtaining the bounty land to which she may be entitled under the "act approved March 3, 1855." And she further declares that she has not received or applied for bounty land under this or any other act of Congress except as above mentioned.

(Claimant's signature.)

We, ——— and ———, residents of ———, in the State of ———, upon our oaths declare that the foregoing declaration was signed and acknowledged by ——— in our presence, and that we believe, from the appearance and statements of the applicant, that she is the identical person she represents herself to be, and is still a widow.

(Signatures of witnesses.)

The foregoing declaration and affidavit were sworn to, and sub-

scribed before me on the day and year above written; and I certify that I know the affiants to be credible persons; that the claimant is the person she represents herself to be, and is still a widow; and that I have no interest in this claim.

_____, *J. P.*

PART II.

ACT OF JULY 14, 1862.

By this law several important changes in relation to pensions have been made, which must be regarded by all right-minded men as eminently wise and just. Attention is called to a few of these points.

1. Every one conversant with our pension laws has been impressed with the great disparity in the rates of pensions between the army and navy, discriminating most unjustly against the latter. This act has placed every class and grade in the military and naval service of the United States on the same footing, and graduated the rate of each individual's pension by the same principles.

2. This law has made the rates of pension specific and fixed in all cases, instead of contingent and moveable as the most of them were under previous laws.

3. Under this act pensions commence on the date of *discharge* instead of on the completion of testimony, as under previous laws. But to secure this, application must be made within one year from the date of the discharge. If this is not done the pension will commence on the date of the *application*. The object of this is, to discountenance and discourage

delays and prevent the accumulation of arrears, which usually benefit sharpers and knaves much more than the soldiers or their families.

4. It has equalized, to a certain extent, the rates of pensions between officers and soldiers. This is especially true when taken in connexion with their families.

5. One new principle has been introduced into this law, adopted from the English pension laws, not recognised in any of our previous legislation on this subject. Reference is here had to the provision for pensions to widowed mothers and orphan sisters under sixteen years of age, dependent wholly, or in part, on a deceased soldier for their support. This is so manifestly just that it need only to be stated to be recognised and admitted.

6. This law is emphatically the *people's* law. It is a law which looks carefully after the welfare of the *workers*. It is entirely a new law, wiping the statute books clean of all previous laws, so far as they might have any application to cases arising subsequent to March 4, 1861. All pension cases originating after this date, in all branches and grades of the military and naval service of the United States, will be adjudicated under the provisions of this act only. The wisdom of this change can be appreciated only by those who have had practical experience in the adjudication of pension claims.

This law is designed to be a permanent statute, applying to all wars in which the United States may become involved subsequent to March 4, 1861, and to the military and naval peace establishment as well, instead of being special and limited like most of the

laws heretofore passed. It is the temporary character of most of the provisions of the pension laws heretofore enacted, and the consequent demand for new legislation in the premises, whenever there was occasion to call out any portion of the military forces of the country, that has introduced the doubt and confusion that has afflicted the Pension Office and embarrassed its action. This act happily puts an end to all this, so far as cases may arise subsequent to March 4, 1861.

PENSION ACT OF JULY 14, 1862.

AN ACT TO GRANT PENSIONS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any officer, non-commissioned officer, musician, or private of the army, including regulars, volunteers, and militia, or any officer, warrant or petty officer, musician, seaman, ordinary seaman, flotillaman, marine, clerk, landsman, pilot, or other person in the navy or marine corps, has been, since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter be, disabled by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, he shall, upon making due proof of the fact according to such forms and regulations as are or may be provided by or in pursuance of law, be placed upon the list of invalid pensions of the United States, and be entitled to receive, for the highest rate of disability, such pension as is hereinafter provided in such cases, and for an inferior disability an amount

proportionate to the highest disability, to commence as hereinafter provided, and continue during the existence of such disability. The pension for a total disability for officers, non-commissioned officers, musicians, and privates employed in the military service of the United States, whether regulars, volunteers, or militia, and in the marine corps, shall be as follows, viz: Lieutenant colonel, and all officers of a higher rank, thirty dollars per month; major, twenty-five dollars per month; captain, twenty dollars per month; first lieutenant, seventeen dollars per month; second lieutenant, fifteen dollars per month; and non-commissioned officers, musicians, and privates, eight dollars per month. The pension for total disability for officers, warrant or petty officers, and others employed in the naval service of the United States, shall be as follows, viz: Captain, commander, surgeon, paymaster, and chief engineer, respectively, ranking with commander by law, lieutenant commanding, and master commanding, thirty dollars per month; lieutenant, surgeon, paymaster and chief engineer, respectively, ranking with lieutenant by law, and passed assistant surgeon, twenty-five dollars per month; professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain, twenty dollars per month; first assistant engineers and pilots, fifteen dollars per month; passed midshipman, midshipman, captain's and paymaster's clerk, second and third assistant engineer, master's mate, and all warrant officers, ten dollars per month; all petty officers, and all other persons before named employed in the naval service, eight dollars per month; and all commissioned officers, of either service, shall receive such and only

such pension as is herein provided for the rank in which they hold commissions.

SEC. 2. *And be it further enacted*, That if any officer or other person named in the first section of this act has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, his widow, or, if there be no widow, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no longer.

SEC. 3. *And be it further enacted*, That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow nor legitimate child, but has left or shall leave a mother who was dependent upon him for support, in whole or in part, the mother shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension shall commence from the death of the officer or other person dying as aforesaid: *Provided, however*, That if such mother shall herself be in receipt of a pension as a widow, in virtue

of the provisions of the second section of this act, in that case no pension or allowance shall be granted to her on account of her son, unless she gives up the other pension or allowance: *And provided, further,* That the pension given to a mother on account of her son shall terminate on her re-marriage: *And provided, further,* That nothing herein shall be so construed as to entitle the mother of an officer or other person dying, as aforesaid, to more than one pension at the same time under the provisions of this act.

SEC. 4. *And be it further enacted,* That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow, nor legitimate child, nor mother, but has left or may leave an orphan sister or sisters, under sixteen years of age, who were dependent upon him for support, in whole or in part, such sister or sisters shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension to said orphan shall commence from the death of the officer or other person dying as aforesaid, and shall continue to the said orphans until they severally arrive at the age of sixteen years, and no longer: *Provided, however,* That nothing herein shall be so construed as to entitle said orphans to more than one pension at the same time, under the provisions of this act: *And provided, further,* That no moneys shall be paid to the widow, or children, or any heirs of any

deceased soldier on account of bounty, back pay, or pension, who have in any way been engaged in or who have aided or abetted the existing rebellion in the United States; but the right of such disloyal widow or children, heir or heirs of such soldier, shall be vested in the loyal heir or heirs of the deceased, if any there be.

SEC. 5. *And be it further enacted*, That pensions which may be granted, in pursuance of the provisions of this act, to persons who may have been, or shall be, employed in the military or naval service of the United States, shall commence on the day of the discharge of such persons in all cases in which the application for such provisions [pensions] is filed within one year after the date of said discharge; and in cases in which the application is not filed during said year, pensions granted to persons employed as aforesaid shall commence on the day of the filing of the application.

SEC. 6. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance before the Pension Office under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office, with the requisite correspondence, five dollars. In cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit so required and executed and forwarded, (except the affidavits of surgeons, for which

such agents and attorneys shall not be entitled to any fees,) one dollar and fifty cents.

SEC. 7. *And be it further enacted*, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance under this act, on the condition that he shall receive a per centum upon, or any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.

SEC. 8. *And be it further enacted*, That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the biennial examinations of pensioners which are or may be required to be made by law, and to examine applicants for invalid pensions, where he shall deem an examination by a surgeon to be appointed by him necessary; and the fees for each of such examinations, and the requisite certificate thereof, shall be one dollar and fifty cents, which fees shall be paid to the surgeon by the person examined, for which he shall take a receipt and forward the same

to the Pension Office; and upon the allowance of the claim of the person examined, the Commissioner of Pensions shall furnish to such person an order on the pension agent of his State for the amount of the surgeon's fees.

SEC. 9. *And be it further enacted*, That the Commissioner of Pensions, on application made to him in person or by letter by any claimants or applicants for pension, bounty, or other allowance required by law to be adjusted and paid by the Pension Office, shall furnish such claimants, free of all expense or charge to them, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and in case such claim is prosecuted by an agent or attorney of such claimant or applicant, on the issue of a certificate of pension or the granting of a bounty or allowance, the Commissioner of Pensions shall forthwith notify the applicant or claimant that such certificate has been issued or allowance made, and the amount thereof.

SEC. 10. *And be it further enacted*, That the pilots, engineers, sailors, and crews upon the gunboats and war vessels of the United States, who have not been regularly mustered into the service of the United States, shall be entitled to the same bounty allowed to persons of corresponding rank in the naval service, provided they continue in service to the close of the present war; and all persons serving as aforesaid, who have been or may be wounded or incapacitated for service, shall be entitled to receive for such disability the pension allowed by the provisions of this act to those of like rank, and each and every such person shall receive pay according to corresponding rank in

the naval service: *Provided*, That no person receiving pension or bounty under the provisions of this act shall receive either pension or bounty for any other service in the present war.

SEC. 11. *And be it further enacted*, That the widows and heirs of all persons described in the last preceding section who have been or may be employed as aforesaid, or who have been or may be killed in battle, or of those who have died or shall die of wounds received while so employed, shall be paid the bounty and pension allowed by the provisions of this act, according to rank, as provided in the last preceding section.

SEC. 12. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to appoint a special agent for the Pension Office, to assist in the detection of frauds against the pension laws, to cause persons committing such frauds to be prosecuted, and to discharge such other duties as said Secretary may require him to perform; which said agent shall receive for his services an annual salary of twelve hundred dollars, and his actual travelling expenses incurred in the discharge of his duties shall be paid by the government.

SEC. 13. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

INSTRUCTIONS AND FORMS.

GENERAL PROVISIONS.

Under the act of Congress approved July 14, 1862, pensions are granted to the following classes of persons:

I. INVALIDS, disabled since March 4, 1861, in the military or naval service of the United States, in the line of duty.

II. WIDOWS of officers, soldiers, or seamen, dying of wounds received or of disease contracted in the military or naval service, as above.

III. CHILDREN, under sixteen years of age, of such deceased persons, if there is no widow surviving, or from the time of the widow's re-marriage.

IV. MOTHERS (who have no husband living) of officers, soldiers, or seamen, deceased as aforesaid, provided the latter have left neither widow nor children under sixteen years of age; and provided, also, that the mother was dependent, wholly or in part, upon the deceased for support.

V. SISTERS, under sixteen years of age, of such deceased persons, dependent on the latter, wholly or in part, for support, provided there are no rightful claimants of either of the three last preceding classes.

The rates of pension to the several classes and grades are distinctly set forth in the first section of the act, a copy of which is herewith published. Only one full pension in any case will be allowed to the relatives of a deceased officer, soldier, or seaman, and in order of precedence as set forth above. When more than one minor child or orphan sister thus be-

comes entitled to pension, the same must be divided equally between them.

Invalid pensions, under this law, will commence from the date of the pensioner's discharge from service, provided application is made within one year thereafter. If the claim is not made until a later date, the pension will commence from the time of the application. Pensions of widows and minors will commence from the death of the officer, soldier, or seaman, on whose service the claim is based.

ARMY PENSIONS.

Declarations are required to be made before a court of record, or before some officer of such court duly authorized to administer oaths, and having custody of its seal. *Testimony* may be taken before a justice of the peace, or other officer having like authority to administer oaths, but in no case will any evidence be received that is verified before an officer who is concerned in prosecuting the claim, or has a manifest interest therein.

The subjoined forms, marked, respectively, A, B, C, D, E, and F, will guide applicants for pensions, of the army branch, in the several classes. The forms should be exactly followed in every instance. No attorney will be regarded as having filed the necessary declaration and affidavits, as contemplated by the seventh section of the act, unless the *forms*, as well as the instructions given in this pamphlet, are strictly complied with.

In support of the allegations made in the claimant's declaration, testimony will be required in accordance with the following rules:

1. The claimant's identity must be proved by two witnesses, certified by a judicial officer to be respectable and credible, who are present and witness the signature of the declarant, and who state, upon oath or affirmation, their belief, either from personal acquaintance or for other reasons given, that he or she is the identical person he or she represents himself or herself to be.

2. Every applicant for an invalid pension must, if in his power, produce the certificate of the captain, or of some other commissioned officer under whom he served, distinctly stating the time and place of the said applicant's having been wounded or otherwise disabled, and the nature of the disability; and that the said disability arose while he was in the service of the United States and in the line of his duty.

3. If it be impracticable to obtain such certificate, by reason of the death or removal of said officers, it must be so stated under oath by the applicant, and his averment of the fact proved by persons of known respectability, who must state particularly all the knowledge they may possess in relation to such death or removal; then secondary evidence can be received. In such case the applicant must produce the testimony of at least two credible witnesses, (who were in a condition to know the facts about which they testify,) whose good character must be vouched for by a judicial officer, or by some one known to the department. The witnesses must give a minute narrative of the facts in relation to the matter, and must show how they obtained a knowledge of the facts to which they testify.

4. The surgeon's certificate for discharge should

show the character and degree of the claimant's disability; but when that is wanting, and when the certificate of an army surgeon is not obtainable, the certificate of two respectable civil surgeons will be received, in accordance with form F. These surgeons must give in their certificate a particular description of the wound, injury, or disease, and specify how and in what manner his present condition and disability are connected therewith. The degree of disability for obtaining subsistence by manual labor must also be stated.

5. The habits of the applicant, and his occupation since he left the service, must be shown by at least two credible witnesses.

If the applicant claims a pension as the widow of a deceased officer or soldier, she must prove the legality of her marriage, the death of her husband, and that she is still a widow. She must also furnish the names and ages of her children under sixteen years of age at her husband's decease, and the place of their residence. On a subsequent marriage her pension will cease, and the minor child or children of the deceased officer or soldier, if any be living, under the age of sixteen years, will be entitled to the same in her stead, from the date of such marriage.

Proof of the marriage of the parents and of the age of claimants will, in like manner, be required in all applications in behalf of minor children.

The legality of the marriage may be ascertained by the certificate of the clergyman who joined them in wedlock, or by the testimony of respectable persons having knowledge of the fact, in default of record evidence. The ages and number of children may

be ascertained by the deposition of the mother, accompanied by the testimony of respectable persons having knowledge of them, or by transcripts from the parish or town registers duly authenticated.

Similar proof will be required of the marriage of the claimant, if the mother of a deceased officer or soldier, and that she remains a widow.

If the claimant be a dependent sister, like proof will be required of the marriage of her parents, and of her relationship to the deceased.

Guardians of minor claimants must, in all cases, produce evidence of their authority as such, under the seal of the court from which their appointment is obtained.

Applicants of the last four classes above given, who have in any manner aided or abetted the rebellion against the United States Government, are not entitled to the benefits of this act.

Attorneys for claimants must have proper authority from those in whose behalf they appear. Powers of attorney must be signed in the presence of two witnesses, and acknowledged before a duly qualified officer, whose official character must be certified under seal.

In all cases the post office address of the claimant must be distinctly stated.

Applications under this act will be numbered and acknowledged, to be acted on in their turn. In filing additional evidence, correspondents should always give the number of the claim as well as the name of the claimant.

JOSEPH H. BARRETT,

Commissioner.

PENSION OFFICE, *July 21, 1862.*

A.

Form of Declaration for an Invalid Pension.

STATE [DISTRICT OR TERRITORY] OF ———, }
 County of ———, } ss:

On this ——— day of ———, A. D. one thousand eight hundred and ———, personally appeared before me, ———, [*here state the official character of the person administering the oath,*] within and for the county and State aforesaid, A. B., aged ——— years, a resident of ———, in the State of ———, who, being duly sworn according to law, declares that he is the identical ——— who enlisted in the service of the United States at ———, on the ——— day of ———, in the year ———, as a ——— in company ———, commanded by ———, in the ——— regiment of ———, in the war of 1861, and was honorably discharged on the ——— day of ———, in the year ———; that while in the service aforesaid, and in the line of his duty, he received the following wound (*or other disability, as the case may be*): [*Here give a particular and minute account of the wound or other injury, and state how, when, and where it occurred, where the applicant has resided since leaving the service, and what has been his occupation.*]

(Signature of claimant.)

Also personally appeared ——— and ———, residents of (*county, city, or town,*) persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign his name (*or make his mark*) to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with him, that he is the identical person he represents himself to be; and they further state that they have no interest in the prosecution of this claim.

(Signatures of witnesses.)

Sworn to and subscribed before me this ——— day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post office address: ———

B.

Form of Declaration for obtaining a Widow's Army Pension.

STATE [TERRITORY OR DISTRICT] OF _____, } ss:
County of _____,

On this _____ day of _____, A. D. _____, personally appeared before me _____ of the _____, A. B., a resident of _____, in the county of _____, and State [Territory or District] of _____, aged _____ years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefit of the provision made by the act of Congress approved July 14, 1862: That she is the widow of _____, who was a _____ in company _____, commanded by _____, in the _____ regiment of _____, in the war of 1861, who [*here specify the time, place, and cause of death.*] She further declares that she was married to the said _____ on the _____ day of _____, in the year _____; that her husband, the aforesaid _____, died on the day above mentioned, and that she has remained a widow ever since that period, (*or if she has re-married and again become a widow, the fact must be stated,*) as will more fully appear by reference to the proof hereto annexed. She also declares that she has not in any manner been engaged in, or aided or abetted, the rebellion in the United States.

(Declarant's signature.)

Also personally appeared _____ and _____, residents of (*county, city, or town,*) persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw _____ sign her name (*or make her mark*) to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim.

(Signature of witnesses.)

Sworn to and subscribed before me this _____ day of _____, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post office address: _____

On this _____ day of _____, A. D. _____, personally ap-

peared before the ———, of the ———, A. B., a resident of ———, in the county of ———, and State [Territory or District] of ———, aged ——— years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provisions made by the act of Congress approved July 14, 1862: That she is the widow of ———, and mother of ———, who was a ——— in company ———, commanded by ———, in the ——— regiment of ———, in the war of 1861, who ——— [here state the time, place, and cause of death.]

She further declares that her said son, upon whom she was wholly or in part dependent for support, having left no widow or minor child under sixteen years of age surviving, declarant makes this application for a pension under the above-mentioned act, and refers to the evidence filed herewith, and that in the proper department, to establish her claim.

She also declares that she has not, in any way, been engaged in, or aided or abetted, the rebellion in the United States; that she is not in the receipt of a pension under the 2d section of the act above mentioned, or under any other act, nor has she again married since the death of her son, the said ———.

(Declarant's signature.)

Also, personally appeared ——— and ———, residents of (county, city, or town,) persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign her name (or make her mark) to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be.

(Signature of witnesses.)

Sworn to and subscribed before me this ——— day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

E.

Form of Declaration of Orphan Sisters for Army Pension.

STATE [TERRITORY OR DISTRICT] OF ———, } ss.
 County of ———,

On this ——— day of ———, A. D. ———, personally appeared before the ———, of the ———, A. B., a resident of ———, in the county of ———, and State [Territory or District] of ———, aged ——— years, who, being first duly sworn according to law, doth on oath make the following declaration, in order to obtain a pension under the act of July 14, 1862: That he is the legally-appointed guardian of [here give the names and ages of his ward or wards,] who ——— the only surviving child——, under sixteen years of age, of ———, and ———, his wife, and sister-of ———, who was a ——— in company ———, commanded by ———, in the ——— regiment of ———, in the war of 1861, who [here state the time, place, and cause of his death.] That the brother of his said ward—, upon whom they were wholly or in part dependent for support, having left no widow, minor child or children, or mother, declarant as guardian, and on behalf of his ward, refers to the accompanying evidence, and such as may be found in the department, to establish her (or their) claim under the law above named.

He further declares that his said ward ——— not in the receipt of any pension under said act.

(Guardian's signature)

Sworn to and subscribed before me this ——— day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

F.

Form of Surgeon's Affidavit.

[If the claimant for a pension has not been examined, and the degree of his disability certified, by any army surgeon, he must produce the affidavit of two surgeons reputable in their profession, and

certified as such by the magistrate before whom their statement is sworn to, in accordance with the following form:]

(Date.)

It is hereby certified that _____, a _____ in the company of _____, in the _____ regiment of the United States _____, is rendered incapable of performing the duty of a soldier, by reason of wounds or other injuries inflicted while he was actually in the service aforesaid, and in the line of his duty, viz:

By satisfactory evidence and accurate examination, it appears that on the _____ day of _____, in the year _____, _____, being engaged _____ at or near a place called _____, in the State (District or Territory) of _____, he received (or contracted)* _____ and he is thereby not only incapacitated for military duty, but, in the opinion of the undersigned, is† _____ disabled from obtaining his subsistence from manual labor.

_____, Surgeon.

_____, Surgeon.

Sworn to and subscribed before me this _____ day of _____, A. D. 186—; and I hereby certify that the said _____ and _____ are known to me as surgeons in actual practice, reputable in their profession, and that I have no interest, direct or indirect, in the prosecution of this claim.

— (Magistrate's signature.)

ARMY OF THE UNITED STATES.

Certificate of Disability for Discharge.

[To be used, in duplicate, in all cases of discharge on account of disability:]

A. B., of Captain _____'s company (—,) of the _____ regiment of United States _____, was enlisted by _____, of the

* Here give a particular description of the wound, injury, or disease, and specify in what manner it has affected the applicant so as to produce disability in the degree stated.

† The blank in the last line but one is to be filled up with the proportional "degree" of disability; for example: "three-fourths," "one-half," "one-third," &c., or, "totally," as the case may be.

——— regiment of ———, at ——— on the ——— day of ———, to serve ——— years; he was born in ———, in the State of ———, is ——— years of age, ——— feet ——— inches high, ——— complexion, ——— eyes, ——— hair, and by occupation when enlisted ———. During the last two months said soldier has been unfit for duty ——— days.

[The company commander will here add a statement of all the facts known to him concerning the disease, or wound, or cause of disability of the soldier; the time, place, manner, and all the circumstances under which the injury occurred, or disease originated or appeared; the duty, or service, or situation of the soldier at the time the injury was received or disease contracted, or supposed to be contracted; and whatever facts may aid a judgment as to the cause, immediate or remote, of the disability, and the circumstances attending it.]

C. D., *Commanding Company.*

When the facts are not known to the company commander, the certificate of any officer, or affidavit of other person having such knowledge, will be appended.

I certify that I have carefully examined the said ——— of Captain ———'s company, and find him incapable of performing the duties of a soldier, because of [here describe particularly the disability, wound, or disease; the extent to which it deprives him of the use of any limb or faculty, or affects his health, strength, activity, constitution, or capacity to labor or earn his subsistence. The surgeon will add, from his knowledge of the facts and circumstances, and from the evidence in the case, his professional opinion of the cause or origin of the disability.]

E. F., *Surgeon.*

[*Duplicates.*]

Discharged this ——— day of ——— 186—, at ———.

——— *Commanding the Post.*

NOTE 1. When a probable case for pension, special care must be taken to state the degree of disability.

NOTE 2. The place where the soldier desires to be addressed may be here added.

Town.

County.

State.

NOTE.—The certificates of surgeons and commissioned officers, when

given separately, are required to conform, in substance, to the requirements of the above form. A due observance of this will save applicants much trouble and expense, and greatly hasten action on their applications. This is especially true, if these two certificates accompany the declaration when sent to the Pension Office.

NAVY PENSIONS.

INSTRUCTIONS AND FORMS

ACT OF JULY 14, 1862.

Joint Resolution to grant pensions to masters and officers upon the gunboats in the service of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,
That the masters serving on board of gunboats employed in the service of the United States shall be entitled to all the benefits, including bounty and pension, provided for in an act entitled "An act to grant pensions," passed during the present session of Congress, and the widows, mothers, and heirs of such officers shall be entitled to all the benefits of said act.

Approved July 16, 1862.

GENERAL PROVISIONS.

Under the act of Congress approved July 14, 1862, pensions are granted to the following classes of persons:

I. INVALIDS, disabled since March 4, 1861, in the military or naval service of the United States, in the line of duty.

II. WIDOWS of officers, soldiers, or seamen, dying of wounds received or of disease contracted in the military or naval service, as above.

III. CHILDREN, under sixteen years of age, of such deceased persons, if there is no widow surviving, or from the time of the widow's re-marriage.

IV. MOTHERS (who have no husband living) of officers, soldiers, or seamen, deceased as aforesaid, provided the latter have left neither widow nor children under sixteen years of age; and provided, also, that the mother was dependent, wholly or in part, upon the deceased for support.

V. SISTERS, under sixteen years of age, of such deceased persons, dependent on the latter, wholly or in part, for support, provided there are no rightful claimants of either of the three last preceding classes.

The rates of pension to the several classes and grades are distinctly set forth in the first section of the act, a copy of which is herewith published. Only one full pension in any case will be allowed to the relatives of a deceased officer, soldier, or seaman, and in order of precedence as set forth above. When more than one minor child or orphan sister thus becomes entitled to pension, the same must be divided equally between them.

Invalid pensions, under this law, will commence from the date of the pensioner's discharge from service, provided application is made within one year thereafter. If the claim is not made until a later date, the pension will commence from the time of the application. Pensions of widows and minors will commence from the death of the officer, soldier, or seaman, on whose service the claim is based.

NAVY PENSIONS.

To obtain the navy pensions provided by this act applications must be made, and evidence filed, in strict accordance with the following rules and forms:

Invalids, at the time of their discharge, may make their application, and subscribe the same in the presence of the commanding or executive officer of the vessel or station to which they have been attached, who will countersign the same, and certify to the applicant's identity. The claimant will therewith forward the paymaster's certificate of discharge, indorsed on his application by the paymaster or executive officer.

If the application be made at a later date, it must be before a court of record, or before some officer of such court authorized to administer oaths and having custody of its seal.

Testimony may be taken before a justice of the peace, or other officer having like authority to administer oaths, but in no case will any evidence be received that is verified before an officer who is concerned in prosecuting the claim, or has a manifest interest therein.

The subjoined forms, marked, respectively, A, B, C, D, E, and F, will guide applicants for pensions, of the navy branch, in the several classes. The forms should be exactly followed in every instance. No attorney will be regarded as having filed the necessary declaration and affidavits, as contemplated by the sixth section of the act, unless the *forms*, as well as the instructions given in this pamphlet, are strictly complied with.

In support of the allegations made in the claimant's declaration, testimony will be required in accordance with the following rules:

1. The claimant's identity must be proved by two witnesses, certified by a judicial officer to be respectable and credible, who are present and witness the signature of the declarant, and who state, upon oath or affirmation, their belief, either from personal acquaintance or for other reasons given, that he or she is the identical person he or she represents himself or herself to be.

2. Every applicant for an invalid pension must, if in his power, produce the certificate of some commissioned officer under whom he served, distinctly stating the time and place of the said applicant's having been wounded or otherwise disabled, and the nature of the disability; and that the said disability arose while he was in the service of the United States and in the line of his duty.

3. If it be impracticable to obtain such certificate, by reason of the death or removal of said officers, it must be so stated under oath by the applicant, and his averment of the fact proved by persons of known respectability, who must state particularly all the knowledge they may possess in relation to such death or removal; then secondary evidence can be received. In such case the applicant must produce the testimony of at least two credible witnesses, (who were in a condition to know the facts about which they testify,) whose good character must be vouched for by a judicial officer, or by some one known to the department. The witnesses must give a minute narrative of the facts in relation to the matter, and must show

how they obtained a knowledge of the facts to which they testify.

4. The surgeon's certificate for discharge should show the character and degree of the claimant's disability; but when that is wanting, and when the certificate of a navy surgeon or of a board of survey is not obtainable, that fact must be satisfactorily explained, and the certificate of two respectable civil surgeons will be received, in accordance with form F. These surgeons must give in their certificate a particular description of the wound, injury, or disease, and specify how and in what manner his present condition and disability are connected therewith. The degree of disability for obtaining subsistence by manual labor must also be stated.

5. The habits of the applicant, and his occupation since he left the service, must be shown by at least two credible witnesses.

If the applicant claims a pension as the widow of a deceased officer or seaman, she must prove the legality of her marriage, the death of her husband, and that she is still a widow. She must also furnish the names and ages of her children under sixteen years of age at her husband's decease, and the place of their residence. On a subsequent marriage her pension will cease, and the minor child or children of the deceased officer or soldier, if any be living, under the age of sixteen years, will be entitled to the same in her stead, from the date of such marriage.

Proof of the marriage of the parents and of the age of claimants will, in like manner, be required in all applications in behalf of minor children.

The legality of the marriage may be ascertained

by the certificate of the clergyman who joined them in wedlock, or by the testimony of respectable persons having knowledge of the fact, in default of record evidence. The ages and number of children may be ascertained by the deposition of the mother, accompanied by the testimony of respectable persons having knowledge of them, or by transcripts from the parish or town registers duly authenticated.

Similar proof will be required of the marriage of the claimant, if the mother of a deceased officer or seaman, and that she remains a widow.

If the claimant be a dependent sister, like proof will be required of the marriage of her parents, and of her relationship to the deceased.

Guardians of minor claimants must, in all cases, produce evidence of their authority as such, under the seal of the court from which their appointment is obtained.

Applicants of the last four classes above given, who have in any manner aided or abetted the rebellion against the United States government, are not entitled to the benefits of this act.

Attorneys for claimants must have proper authority from those in whose behalf they appear. Powers of attorney must be signed in the presence of two witnesses, and acknowledged before a duly qualified officer, whose official character must be certified under seal.

In all cases the post office address of the claimant must be distinctly stated.

Applications under this act will be numbered and acknowledged, to be acted on in their turn. In filing additional evidence, correspondents should always

give the number of the claim as well as the name of the claimant.

JOSEPH H. BARRETT,
Commissioner.

PENSION OFFICE, *July 21, 1862.*

A.

Form of Declaration for a Navy Invalid Pension.

STATE [DISTRICT OR TERRITORY] OF ———, } ss:
County of ———,

On this ——— day of ———, A. D. one thousand eight hundred and ———, personally appeared before me, ———, [*here state the official character of the person administering the oath,*] within and for the county and State aforesaid, A. B., aged ——— years, a resident of ———, in the State of ———, who, being duly sworn according to law, declares that he is the identical ——— who enlisted in the naval service of the United States at ———, on the ——— day of ———, in the year ———, as a ———, and was honorably discharged on the ——— day of ———, in the year ———, at ———; that his personal description is as follows: [*here state height, complexion, color of hair, occupation, &c.;*] that while in the service aforesaid, and in the line of his duty, he received the following wound (*or other disability, as the case may be*): [*Here give a particular and minute account of the wound or other injury, and state how, when, and where it occurred, where the applicant has resided since leaving the service, and what has been his occupation.*] He makes this application in order to secure the benefits of the act granting pensions, approved July 14, 1862.

(Signature of claimant.)

Also personally appeared ——— and ———, residents of (*county, city, or town,*) persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign his name (*or make his mark*) to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their ac-

quaintance with him, that he is the identical person he represents himself to be; and they further state that they have no interest in the prosecution of this claim.

(Signatures of witnesses.)

Sworn to and subscribed before me this _____ day of _____, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post office address: _____

B.

Form of Declaration for obtaining a Widow's Navy Pension.

STATE [TERRITORY OR DISTRICT] OF _____, }
County of _____, } ss:

On this _____ day of _____, A. D. _____, personally appeared before me _____ of the _____, A. B., a resident of _____, in the county of _____, and State [Territory or District] of _____, aged _____ years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provision made by the act of Congress approved July 14, 1862, granting pensions: That she is the widow of _____, who was a _____ [*here state decedent's service*] who [*here specify the time, place, and cause of death.*] She further declares that she was married to the said _____ on the _____ day of _____, in the year _____; that her husband, the aforesaid _____, died on the day above mentioned, and that she has remained a widow ever since that period, (*or if she has re-married and again become a widow, the fact must be stated,*) as will more fully appear by reference to the proof hereto annexed. The personal description of the said _____, her deceased husband, is as follows: [*here state his age, height, complexion, occupation, &c.*] She also declares that she has not in any manner been engaged in, or aided or abetted, the rebellion in the United States.

(Declarant's signature.)

Also personally appeared _____ and _____, residents of (county, city, or town,) person whom I certify to be respectable and enti-

tled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign her name (*or make her mark*) to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim.

(Signature of witnesses.)

Sworn to and subscribed before me this ——— day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post office address:

C.

Form of Declaration for Minor Children in order to obtain Navy Pension.

STATE [TERRITORY OR DISTRICT] OF ———, } ss:
County of ———,

On this ——— day of ———, A. D. ———, personally appeared before me ——— of the ———, A. B., a resident of ———, in the county of ———, and State [Territory or District] of ———, aged ——— years, who being first duly sworn according to law, doth on oath make the following declaration, as guardian of the minor child of ———, deceased, in order to obtain the benefits of the provision made by the act of Congress, approved July 14, 1862, granting pensions to minor children, under sixteen years of age, of deceased officers and seamen; that he is the guardian of ———, [naming the minor child or children, his ward or wards,] whose father was a ——— [here state decedent's service;] and that the said ——— died at ———, on the ——— day of ———, in the year ———, [here state the cause of death;] that the mother of the child ——— aforesaid died (or again married, being now the wife of ———,) on the ——— day of ———, in the year ———; and that the date of birth of his said ward— as follows:

He further declares that the parents of his said ward— were mar-

ried at _____, on the _____ day of _____, in the year _____,
by _____.

(Guardian's signature.)

Sworn to and subscribed on the day and year first above written,
before _____; and I hereby certify that I have no interest, direct
or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

—
D.

Form of declaration for Mother's application for Navy Pension.

STATE [TERRITORY OR DISTRICT] OF _____, }
County of _____, } ss:

On this _____ day of _____, A. D. _____, personally ap-
peared before the _____, of the _____, A. B., a resident of _____,
in the county of _____, and State [Territory or District] of _____,
aged _____ years, who, being first duly sworn according to law,
doth on her oath make the following declaration, in order to obtain
the benefits of the provisions made by the act of Congress approved
July 14, 1862, granting pensions: That she is the widow of _____,
and mother of _____, who was a _____ [here state decedent's
service and personal description,] who _____ [here state the time,
place, and cause of death.]

She further declares that her said son, upon whom she was wholly
or in part dependent for support, having left no widow or minor child
under sixteen years of age surviving, declarant makes this applica-
tion for a pension under the above-mentioned act, and refers to the
evidence filed herewith, and that in the proper department, to estab-
lish her claim.

She also declares that she has not, in any way, been engaged in,
or aided or abetted, the rebellion in the United States; that she is
not in the receipt of a pension under the 2d section of the act above
mentioned, or under any other act, nor has she again married since
the death of her son, the said _____.

(Declarant's signature.)

Also, personally appeared _____ and _____, residents of
(county, city, or town,) persons whom I certify to be respectable and

entitled to credit, and who, being by me duly sworn, say that they were present and saw _____ sign her name (or make her mark) to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be.

(Signature of witnesses.)

Sworn to and subscribed before me this _____ day of _____, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post office address: _____

E.

Form of Declaration of Orphan Sisters for Navy Pension.

STATE [TERRITORY OR DISTRICT] OF _____, } ss:
County of _____,

On this _____ day of _____, A. D. _____, personally appeared before the _____, of the _____, A. B., a resident of _____, in the county of _____, and State [Territory or District] of _____, aged _____ years, who, being first duly sworn according to law, doth on oath make the following declaration, in order to obtain a pension under the act of July 14, 1862: That he is the legally-appointed guardian of [here give the names and ages of his ward or wards,] who _____ the only surviving child _____, under sixteen years of age, of _____, and _____, his wife, and sister— of _____, who was a [here state decedent's services and personal description] who [here state the time, place, and cause of his death.] That the brother of his said ward—, upon whom they were wholly or in part dependent for support, having left no widow, minor child or children, or mother, declarant as guardian, and on behalf of his ward—, refers to the accompanying evidence, and such as may be found in the department, to establish her (or their) claim under the law above named.

He further declares that his said ward _____ not in the receipt of any pension under said act.

(Guardian's signature.)

Sworn to and subscribed before me this _____ day of _____, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post office address: _____

F.

Form of Surgeons' Affidavit.

[If the claimant for a pension has not been examined, and the degree of his disability certified, before his discharge, by a navy surgeon, and if the certificate of a navy surgeon or a board of survey is not obtainable, on satisfactory explanation of this fact, he may produce the affidavit of two surgeons reputable in their profession, and certified as such by the magistrate before whom their statement is sworn to, in accordance with the following form:]

(Date.)

It is hereby certified that _____, who was a _____ in the naval service of the United States, [here state the vessel or station on which applicant was engaged, and his particular service,] is suffering from* _____, and he is thereby not only incapacitated for naval duty, but, in the opinion of the undersigned, is† _____ disabled from obtaining his subsistence from manual labor. And we further certify that upon satisfactory evidence and after accurate examination, we believe the said disability was incurred in the naval service of the United States and in the line of duty.

_____, Surgeon.

_____, Surgeon.

Sworn to and subscribed before me this _____ day of _____, A. D. 186—; and I hereby certify that the said _____ and _____ are known to me as surgeons in actual practice, reputable in their profession, and that I have no interest, direct or indirect, in the prosecution of this claim.

(Magistrate's signature.)

* Here give a particular description of the wound, injury, or disease, and specify in what manner it has affected the applicant so as to produce disability in the degree stated.

† This blank is to be filled up with the proportional "degree" of disability; for example: "three-fourths," "one-half," "one-third," &c., or, "totally," as the case may be.

CLAIMS FOR SOLDIERS' PAY AND BOUNTY.

LAW.

An Act making appropriations for the payment of the bounty authorized by the sixth section of an act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-second, eighteen hundred and sixty-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be and the same are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, viz:

For payment of the bounty to widows, children, fathers, mothers, brothers, and sisters of such volunteers as may have died or been killed, or may die or be killed, in service, authorized by the sixth section of an act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-second, eighteen hundred and sixty-one, five millions of dollars, or so much thereof as may be found necessary: *Provided*, That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one. Second, if there be no widow, then to the children of such deceased soldier, share and share alike. Third, if such soldier left neither a widow or child or children, then, and in that case, such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father, or if he

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shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

For compensation of twenty additional clerks, hereby authorized to be employed in the office of the Commissioner of Pensions, to wit: For fifteen clerks of the first class, eighteen thousand dollars; for five clerks of the second class, seven thousand dollars.

SEC. 2. *And be it further enacted*, That the sum of three thousand dollars, or so much thereof as may be found necessary, be and the same is hereby appropriated for the expenses of the committee on disloyal employees of the Government, appointed by resolution of the House of Representatives, July eight, eighteen hundred and sixty-one.

SEC. 3. *And be it further enacted*, That that part of the sixth section of the act "to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-second, eighteen hundred and sixty-one, which secured to the widow, if there be one, and if not, the legal heirs of such volunteers as die or may be killed in service, in addition to all arrears of pay and allowances, a bounty of one hundred dollars, shall be held to apply to those persons who have enlisted in the regular forces since the first day of July, eighteen hundred and sixty-one, or shall enlist in the regular forces during the year eighteen hundred and sixty-two, and be paid to the heirs named in this act, and that the bounties herein provided for shall be paid out of any money appropriated for bounty to volunteers.

INSTRUCTIONS.

To enable those who may have claims upon the United States, for moneys due deceased officers and soldiers, on account of military services rendered, whether in the regular or volunteer service, to obtain the same, the following information is furnished:

ORDER OF PAYMENT OF ARREARS OF PAY.

Order First.—If the deceased was *married*, payment will be made—1st, to the widow; 2d, if no widow, to his child or children; (if minors, to a guardian.)

Order Second.—If he died *unmarried*—1st, to the father; 2d, if the father is dead, to the mother; 3d, if both parents are dead, to the brothers and sisters, collectively; lastly, to the heirs general—(to be distributed in accordance with the laws of the State in which the deceased had his domicil.)

OF BOUNTY.

The act approved July 11, 1862, provides, "that said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one. Second, if there be no widow, then to the children of such deceased soldier, share and share alike. Third, if such soldier left neither widow, nor child, nor children, then, and in that case, such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father, or if he shall not be living, or has abandoned the support of his family, then to the mother of

such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid."

By the same act, the bounty of one hundred dollars to widows, &c., of volunteers is also given to the widows, &c., of those persons who have enlisted in the regular forces since the first day of July, 1861, or shall enlist in the regular forces during 1862, to be paid to the heirs named in this act. Widows of commissioned officers, and of soldiers dying after being *discharged*, are not entitled to bounty, nor are the widows of deceased three months' volunteers.

DISLOYALTY.—In section 4 of "An act to grant pensions," approved July 14, 1862, it is provided, "that no moneys shall be paid to the widow, or children, or any heirs of any deceased soldier, on account of bounty, back pay, or pension, who have in any way been engaged in, or who have aided or abetted the existing rebellion in the United States; but the right of such disloyal widow or children, heir or heirs, of such soldier shall be vested in the loyal heir or heirs of the deceased, if any there be."


Information in regard to such cases will receive the attention of the accounting officers.

APPLICATION, PROOF, AND AUTHENTICATION.

APPLICATION.—The claimant or claimants must make a written application, under oath, and over his, her, or their own signature, stating his, her, or their name, age, residence, connexion to the deceased, with the letter or name of the captain of the company and regiment to which he belonged; time of his death and

the nature of the pay claimed—whether “arrears of pay,” &c.; and the “\$100 bounty,” under act of July 22, 1861.

An application by a guardian should give the name and age of the ward or wards, and should be accompanied by letters of guardianship, or an authenticated copy thereof. In the application of a mother, claiming bounty, her husband being alive, the facts upon which the claim is made should be clearly stated and proved. If the soldier died unmarried, leaving no child, it must be stated by the applicant and also by the disinterested witnesses.

PROOF.—To satisfy the accounting officers that the person or persons thus claiming is or are entitled to the money in the character he, she, or they claim, the depositions of two credible witnesses will be required, stating that they are acquainted with the claimant or claimants, the connexion held to the deceased, and that they (the deponents) are disinterested.  Proof of marriage (record evidence, if possible) must always accompany the applications of those claiming to be the widows.

AUTHENTICATION.—The application and depositions, above required, to be subscribed and sworn to before a judge, commissioner, notary public, or justice of the peace, duly authorized to administer oaths, accompanied by the certificate and seal of a court of record as to the fact of the said judge, &c., being duly commissioned and acting in his official capacity at the time of the execution of the foregoing papers.

Administration.—As the taking out of “letters of administration” is attended with considerable expense, (seldom necessary,) it is suggested that it be

done *only* when required by the accounting officers. The bounty being no part of the estate of the deceased, but a gratuity to the heirs, will in no case be paid to an administrator.

DISCHARGED SOLDIERS.—When a soldier (or volunteer) is discharged, he is (or should be) furnished with a regular "Discharge" and *two* (duplicate) "*Pay Certificates*," and one or more disability certificates, if discharged on account of disability. Upon these papers he can be paid by a paymaster of the army upon their presentation. Should he fail to present them for payment to a paymaster, or, having presented them, and payment being refused, they are sent to this office, the applicant must state the reasons for such refusal, accompanied by proof of identity and authentication, as in the case of deceased soldiers. In no case should the "oath of identity," *on the back of the "Discharge,"* be filled up, as the "Discharge" is returned to the soldier after his claim has been acted upon. Where "Pay Certificates" and certificates of disability have been withheld, he must send all other papers given to him at the time of his discharge, together with the certificate of his captain that no such certificates were given to him, and the reasons for withholding them. In case the certificates are claimed to have been lost, an affidavit of such loss must be furnished, stating the circumstances under which it occurred; that he had diligently searched for them without success, and that he has not received pay thereon, nor assigned them to any person.

No soldier, discharged under any circumstances, can receive the bounty provided by the act of July

22, 1861, unless "he shall have served for a period of two years, or during the war, if sooner ended."

PENSIONS.—Applications for pensions, on account of "disability" received in the service, or for widows and children under the act of July 14, 1862, should be made to the Commissioner of Pensions, and not to this office.

MODE OF PAYMENT.—Payments will be made by an order from the accounting officers on any paymaster of the army. Such order will require the signature of the claimant on its face, written by himself, or herself, and duly witnessed.

MODE OF PRESENTING CLAIMS.—All claims for arrears of pay and bounty may be sent directly to this office. When received they are entered upon the register; as soon as practicable they will be examined, and if found correct in form, they are placed upon the files for settlement and their receipt acknowledged. If incorrect, the party sending it is immediately notified. No "special cases" will be made at the solicitation of attorneys, but when evidence can be obtained, cases will be audited in the order in which they are received. The only exception to this rule is when, in settling a case in its order, evidence is found upon the same rolls by which to settle other claims of soldiers deceased in the *same company*. Letters of inquiry in relation to a *claim*, should specify the name of the deceased and the company, regiment, and State to which he belonged, and in all cases, to secure an answer, the name, post-office, and State of the writer should be distinctly written.

FORMS.—The form accompanying this circular is intended only as a guide, and must be varied to suit

special cases. No claim is rejected on account of the form in which it is presented, if it substantially complies with the instructions.

TO CORRESPONDENTS.—Letters of inquiry, relating to the pay of soldiers in hospital or on furlough, should be addressed to the Paymaster General. Inquiries relating to the pay of deceased teamsters or other employees of the Quartermaster's Department, or for the pay of horses killed or lost in the service, to the Third Auditor, and relating to the pay and bounty of persons in the marine or naval service, to the Fourth Auditor.

POSTAGE.—The Government pays all postages on such business communications, whether received or transmitted by this office.

EZRA B. FRENCH,

Second Auditor of the Treasury Department, Washington City, D. C.

FORM OF APPLICATION

For Arrears of Pay and Bounty.

I, ———, of ———, in the county of ———, and State of ———, on oath say, that my age is ——— years, and that I am the ——— of ———, late of ———, in the State of ———, who was a ——— in company ——— of the ——— regiment of ———, and died in the service of the United States at ———, on the ——— day of ———, 186—.

[If the soldier died unmarried, leaving no child, it should be here stated. If the application is by the mother, she should also state the name of the father of the deceased, his death, or abandonment of the support of his family, giving the date and all facts necessary to a proper understanding of the case. If the application is by the widow of the deceased, she should here state her maiden name, when, where,

and by whom she was married to him, and whether or not there is record evidence of such marriage.]

I make this application to recover all arrears of pay or other allowances due to the deceased from the United States, and the bounty provided by the sixth section of the act of July 22, 1861.

(Signature of claimant.)

STATE OF _____, }
County of _____, } ss:

Personally appeared the above named _____, to me well known, and subscribed and made oath to the foregoing statement on this _____ day of _____, 186—, before me.

(Name of official title.)

Form of Affidavit.

We, _____ and _____, of _____, in the county of _____ and State of _____, on oath, say that we are and have been for _____ years well acquainted with _____, the applicant, and with the said _____, deceased, who was a _____ in company _____ of the _____ regiment _____, and know _____ to be the _____ of the said deceased; *[if he died unmarried, leaving no child, it should be here stated; and if the application is by the mother, the fact of her widowhood, or the abandonment of her husband should be stated as in the application;]* and that we have no interest whatever in this application.

(Signature.)

(Signature.)

[Certificate of the Magistrate the same as above.]

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE, *October 10, 1861.*

SIR: I append hereto a copy of the RULES, prepared by the Secretary of War, and approved by the President, agreeably to the provisions of an act of Congress, approved March 3d, 1849, governing the preparation and adjustment of claims for horses and other property lost or destroyed in the military service of the United States.

Claimants should carefully examine the various classes of cases provided for, and assure themselves that their losses have occurred in one of the modes pointed out by the statute; as it is only for such losses as come clearly within the specified cases that indemnity can be made. For losses occurring otherwise than as specified, indemnity can only be obtained through a special act of Congress.

Each claimant, in transmitting his claim, should give the name of the paymaster, or other disbursing officer, by whom he was paid for his services, or for those of his horse, wagon, &c., &c.

Very respectfully, your obedient servant,
R. J. ATKINSON,
Third Auditor.

WAR DEPARTMENT, *March 26, 1849.*

Rules in relation to claims provided for by an act of Congress, approved 3d March, 1849, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States."

All claims under the provisions of this act must be

presented to the office of the Third Auditor of the Treasury Department, and each must be substantiated by such evidence as is hereinafter designated with respect to cases of the class under which it falls.

FIRST CLASS OF CASES.

By the first section of the law it is enacted :

“That any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the 18th of June, 1812, or who shall hereafter be in said service, and has sustained or shall sustain damage, without any fault or negligence on his part, while in said service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, and which has died, or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer, and lost, or shall sustain damage by the loss of any horse by death or abandonment, because of the unavoidable dangers of the sea, when on board a United States transport vessel, or because the United States failed to supply transportation for the horse, and the owner was compelled, by the order of his commanding officer, to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider was dismounted and separated from his horse, and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command ordered or shall order the horse turned out to graze, in the woods, prairies, or commons, because the United States failed, or shall fail to supply sufficient forage, and the loss was, or shall be consequent thereof, or for the loss of necessary equipage in consequence of the loss of his horse as aforesaid, shall be allowed and paid the value thereof, not to exceed two hundred dollars: *Provided*, That if any payment has been, or shall be made to any one aforesaid, *for the use and risk, or for forage after the death*, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied or shall satisfy the paymaster at the time he made or shall make the payment, or thereafter show by proof that he was remounted, in which case the deductions shall only extend to the time he was on foot: *And provided, also*, If any payment shall have been, or shall hereafter be made to any person above mentioned, on account of clothing to which

he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements."

To establish a claim under this provision, the claimant must adduce the evidence of the officer under whose command he served when the loss occurred, if alive; or, if dead, then the next surviving officer, describing the property, the value thereof at the time of entering the service, the time and manner in which the loss happened, and whether or not it was sustained without any fault or negligence on the claimant's part. The evidence should also, in case the claimant was *remounted after the loss, state when remounted, how long he continued so, and explain whether the horse whereon he was remounted had not been furnished by the United States, or been owned by another mounted militiaman or volunteer, to whom payment for the use and risk thereof, or for its forage, whilst in the possession of, the claimant, may have been made; and if it had been thus owned, should name the person and the command to which he belonged.* And in every instance in which the claim may extend to equipage, the several articles of which the same consisted, and separate value of each, should be specified.

SECOND CLASS OF CASES.

The second section of the law enacts:

"That any person who has sustained or shall sustain damage, by the capture or destruction by an enemy, or by the abandonment or destruction, by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, *either by impressment or contract*, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, and any person who has sustain-

ed or shall sustain damage, by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage; and any person who has lost, or shall lose, or has had, or shall have destroyed by unavoidable accident, any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service aforesaid, shall be allowed and paid the value thereof at the time he entered the service: *Provided*, It shall appear that such loss, capture, abandonment, destruction, or death, was without any fault or negligence on the part of the owner of the property, and while it was actually employed in the service of the United States."

To establish a claim under this provision, it will, in addition to the testimony required under the head of first class of cases, be necessary, in cases where the property lost was in the service by contract or impressment, to produce the testimony of the officer or agent of the United States who impressed or contracted for the service of the property mentioned in such claim, and also of the officer under whose command the same was employed at the time of the capture, destruction, loss, or abandonment, declaring in what way the property was taken into the service of the United States, the value thereof, whether or not the risk to which it would be exposed was agreed to be incurred by the owner; and whether or not, as regarded horses, mules, oxen, he engaged to supply the same with sufficient forage; in what manner the loss happened, and whether or not it was sustained without any fault or negligence on his part.

The fifth section of the law enacts:

"That in all instances where any minor has been or shall be engaged in the military service of the United States, and was or shall be provided with a horse or equipments, or military accoutrements, by his parent or guardian, and has died, or shall die, without paying

for said property, and the same has been or shall be lost, captured, destroyed, or abandoned, in the manner before mentioned, said parent or guardian shall be allowed pay therefor, on making satisfactory proof as in other cases, and the further proof that he is entitled thereto by having furnished the same."

A parent or guardian of a deceased minor will, therefore, in addition to such testimony applicable to his claim as is previously described, have to furnish proof that he provided the minor with the property therein mentioned; that the minor died without paying for such property, and that he, the parent or guardian, is entitled to payment for it by his having furnished the same.

The sixth section of the law enacts :

"That in all instances where any person, other than a minor, has been or shall be engaged in the military service aforesaid, and has been or shall be provided with a horse or equipments, or with military accoutrements, by any person, the owner thereof, who has risked or shall take the risk of such horse, equipments, or military accoutrements, on himself, and the same has been or shall be lost, captured, destroyed, or abandoned, in the manner before mentioned, such owner shall be allowed pay therefor, on making proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same and having taken the risk on himself."

Besides the testimony in support of his claim herein before required, every such owner thereof will have to prove that he did provide the horse, equipments, or military accoutrements therein mentioned, and took the risk thereof on himself, and that he is entitled to pay therefor by having furnished the same and taking the risk thereof on himself; and this proof should be contained in a deposition of the person who had been so provided by him with such horse, equipments, or military accoutrements.

THIRD CLASS OF CASES.

The seventh section of the law enacts:

"That in all cases where horses have been condemned by a board of officers on account of their unfitness for service, in consequence of the government failing to supply forage, all such horses and the equipage shall be allowed and paid for whenever the facts shall be proven by legal and satisfactory evidence, whether oral or written, that such condemned horse and the equipage was turned over to a quartermaster of the army, whether any receipt therefor was given and produced or not."

To establish a claim under this provision, the claimant must adduce the evidence of the witnesses mentioned under the head of the first class of cases, satisfactorily proving that the property therein described was, while in the military service of the United States, condemned by a board of officers on account of their being rendered unfit for service in consequence of the government failing to supply forage, and that such property was turned over to a quartermaster of the United States army, explaining when the claimant was remounted, &c., as required in said first class of cases.

In no case can the production of the evidence previously described be dispensed with, unless the impracticability of producing it be clearly proved; and then the nearest and best other evidence of which the case is susceptible must be furnished in lieu thereof.

Every claim must be accompanied by a deposition of the claimant, "declaring that he has not received from any officer or agent of the United States any horse or horses, equipage, accoutrements, mule,

wagon, cart, boat, sleigh, or harness, (as the case may be,) in lieu of the property lost, nor any compensation for the same," and be supported, if practicable, by the original valuation list, if made by the appraisers of the property at the time the same was taken into the United States service; and in cases where the loss is alleged to have occurred because the United States failed to supply transportation for the horse, and the owner was compelled, by the order of his commanding officer, to embark and leave him, as provided for in the first section of the law, the affidavit of the claimant must, in addition to the declaration above mentioned, declare, "that he did, in obedience to the order of his officer, leave said horse or equipage, and that he never sold or otherwise disposed of the said horse or equipage, and never received any compensation for said horse or equipage from any person whatever."

All evidence, other than the certificates of officers who, at the time of giving them, were in the military service of the United States, must be sworn to before some judge, justice of the peace, or other person duly authorized to administer oaths, and of which authority proof should accompany the evidence.

GEO. W. CRAWFORD,

Secretary of War.

Approved March 26, 1849.

Z. TAYLOR.

RULES OBSERVED AT THE OFFICE OF THE FOURTH
AUDITOR

*In the Settlement of Claims to Balances due to Deceased Seamen or
Marines at the time of their Death.*

1. Payment of balances due deceased seamen or marines will not be made except to administrators, *who are heirs*, or appointed *with the consent of heirs*, or to creditors to the amount of their respective claims. But no payment shall be made to a creditor until the balance due to the deceased person shall have remained in the Treasury, uncalled for by an administrator appointed as aforesaid, for six weeks after information of the death of such person shall have been received at the Department; and where the balance exceeds the sum of twenty dollars, no claim of a creditor will be paid until an advertisement shall have been inserted, for three successive days, in the newspaper employed to publish the laws in the City of Washington, calling upon other claimants to present their claims at the office of the Fourth Auditor within two months; at the end of which term, if the balance shall not have been demanded by an administrator appointed as aforesaid, the claims which shall have been presented and proved before the accounting officers will be paid in equal proportion, the expense of the advertisement having been first defrayed out of the sum due to the deceased person at the time of his death.

2. Payment of arrearages claimed under a will, will only be made after satisfactory proof of the will is adduced to the accounting officers. Wills of persons

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in actual service must be in writing, and attested by an officer, if the testator were not himself an officer. The executor will be required to produce the original will, or a copy duly authenticated.

3. Heirship, or consent of heirs, may be shown by the fact being inserted in the letters of administration, or must be proved by the affidavit of two disinterested persons, taken before an officer empowered to administer oaths.

4. Payment may be made immediately to the heirs of the deceased, when it shall be shown that the cost of obtaining administration at the proper place would exceed one-third part of the balance due.

5. The penalty of the administration bond should be shown by the certificate of administration, or otherwise.

PART III.

Under this division will be furnished the instructions and forms required to procure the payment of pensions under all the various circumstances and changes to which any person may be subjected, after a certificate has been issued.

The first thing required of a pensioner, in the present posture of affairs in our country, to enable him to draw a payment on his certificate, is to take the oath of allegiance. The propriety of this requirement and the necessity of it, in these days of infidelity to our country and Government, no loyal man will question, nor will any such man hesitate one moment in subscribing to such an oath under the pains and penalties of perjury. The following is the form prescribed by the Secretary of the Interior:

OATH OF ALLEGIANCE.*

I, ———, a pensioner of the United States, do solemnly ——— that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the

*This oath is required *once* from every pensioner who is native born or has been naturalized. If a minor, from the guardian. If dead, from the person or persons who execute the vouchers. When those of foreign birth have not resided in the United States the magistrate may certify to the same; but if they have, and do not owe allegiance, it should be properly explained.

same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

STATE OF _____, }
County of _____, } ss:

Subscribed and sworn to before me, this _____ day of _____,
186—.

_____, J. P.

FORMS FOR VOUCHERS ON WHICH PENSIONS ARE PAID,
WITH INSTRUCTIONS FOR EXECUTING THEM.

As acts of Congress prohibit the *pledging* or *transfer* of a pension certificate, and terminate a pension by re-enlistment or marriage, the magistrate should particularly inquire of an *invalid* if he has been paid in the army, navy, or marine service of the United States, and of a *widow* if she has again married, before administering the oath to either; also to compare the pension certificate with the copy herein made before certifying to it.

All vouchers must be executed *on or after* the date to which the payment is claimed, and the deposition and power of attorney (when the latter is required) signed by the pensioner. Every erasure, interlineation, or alteration, must be noted by the magistrate in due form, and the power of attorney executed in the presence of at least one witness, (as well every signature when a mark is made,) other than the officer before whom it is acknowledged. When a notary public uses a regular seal, a certificate of his official

character is not necessary, and all vouchers executed in a foreign country before a United States Consul, or having his certificate of the official character of a foreign magistrate, are sufficient. Each pensioner, or his attorney, must present himself at the agency to receive the money and sign the usual receipts. Pension agents are authorized to administer oaths for *payment of pensions only*, and to charge the same fees allowed to officers of the State therefor.

When a pension is terminated by death, marriage, expiration, or re-enlistment, the arrears due are payable on demand, and when a *male pensioner* dies, the arrears due are payable to the *widow only* when she is alive. If a pension remains unclaimed for fourteen months, it will not be paid at any agency. Application must be made, if an *army pension*, to the Third Auditor of the United States Treasury, and, if a *navy pension*, to the Fourth Auditor, with the usual deposition and proof of identity. No power of attorney is necessary, as the draft for payment is always made payable to the order of the pensioner.

Under the provisions of the acts of 2d March, 1829, and 29th June, 1840, in case of the death of any pensioner, the arrears of pension due to him at the time of his death must be paid—

I. "To the widow of the deceased pensioner, or to her attorney," proving herself to be such before a court of record.

II. If there be no widow, then to the executor or administrator on the estate of such pensioner, for the sole and exclusive benefit of the children, to be by him distributed among them in equal shares; and the law of 1840 declares that the arrears of pension

"shall not be considered a part of the assets of said estate, nor liable to be applied to the payment of the debts of said estate in any case whatever."

III. In case of the death of any pensioner who is a widow, leaving children, the amount of pension due at the time of her death must be paid to the executor or administrator for the benefit of her children, as directed in the foregoing paragraph.

IV. In case of the death of any pensioner, whether male or female, leaving children, the amount of pension may be paid to any one or each of them, as they may prefer, without the intervention of an administrator. If one of the children is selected to receive the amount due, he or she must produce a power of attorney from the others for that purpose, duly authenticated. The oath of identity for the widow or child of a deceased pensioner must be according to form marked F; and when they appoint an attorney, the power of attorney must be according to form marked G.

V. If there be no widow, child, or children, then the amount due such pensioner at the time of his death must be paid to the legal representatives of the decedent.

VI. When an executor or administrator shall apply for the pension due to a deceased person, he must deposit with you a certificate of the clerk of the court, judge of probate, register of wills, ordinary or surrogate, (as the case may be,) stating that he is duly authorized to act in that capacity on the estate of the deceased pensioner, and, if a male, that it has been proved to his satisfaction that there is no widow of the said pensioner living.

In all cases of payments being made of moneys due a deceased pensioner, the original pension certificate must be surrendered, as evidence of the identity of the person to whom the pension claimed was due, or other substantial evidence of such identity must be produced in case such certificate cannot be obtained for surrendry, and that due search and inquiry have been made for said certificate, and that it cannot be found. The date of said pensioner's death must be proved before a court of record.

A certificate of the facts proved must be obtained from the clerk of the court. It is not necessary for the clerk to give the evidence in detail, but only to state the facts that have been proved, and certify under his seal of office that the testimony adduced was satisfactory to the court, according to form marked O; and in case a pension certificate is illegally withheld from a pensioner, he (or she, as the case may be) must produce evidence of identity and the facts, agreeably to form marked S.

When a pensioner is placed under guardianship, the guardian applying for a pension must, in addition to the evidence of the pensioner's identity, deposit with you a certificate, from the proper authority, that he is, *at that time*, acting in that capacity, and also satisfactory evidence that his ward was living at the date the pension claimed became due. The identity of the pensioner, in such case, must be established under the form herewith marked T, and by the oath also of *two* witnesses, to accompany the guardian's affidavit, according to form, which see attached to form T.

SPECIAL NOTICE.

When a pensioner or other person sends for any of the following blank forms, the act under which the pension was granted should be stated, and if possible the date of the certificate given, so that the particular blank needed can be sent:

D.—INVALID.

INSTRUCTIONS.—All vouchers for the payment of a pension must be executed on or after the date to which the payment is claimed.

The deposition and power of attorney must be signed by the pensioner. Every erasure, interlineation, or alteration, must be noted in due form by the magistrate. Whenever an attorney is employed to receive a pension, the execution of the power must be in the presence of at least one witness, other than the magistrate before whom it is acknowledged; and if not presented at the agency within three months from its date, a new one will be required.

When the pensioner makes his mark, such signature must be made in the presence of one witness, other than the justice or notary who acts officially in the case.

~~§~~ The magistrate must require the pensioner to show his or her pension certificate, and compare it with the copy made herein, before certifying.

~~§~~ Each pensioner, or his attorney, must go to the agency to receive the money, and sign the receipts for it.

If a pension has remained unpaid and unclaimed for fourteen months, it will not be paid at any agency. Application must be made to the Third Auditor of the United States Treasury, with the usual deposition of the pensioner and proof of identity. No power of attorney is necessary, as the draft of payment is always made payable to the order of the pensioner.

Pension agents are authorized to administer oaths on papers for *payment of pensions only*, and to charge the same fees as are allowed to officers of the State by the laws thereof.

Deposition.

STATE OF _____, }
County of _____, } ss:

Be it known, that before me, _____, duly authorized by law to administer oaths, personally appeared _____ and made oath, in due form of law, that he is the identical person named in an original certificate in his possession, of which I certify the following is a true copy:

Department

Invalid Pension.

That he now resides in _____, and has resided there for the

space of _____ years past; and that previous thereto he resided in _____, and that he has not been employed, or paid, in the army, navy, or marine service of the United States from the _____ day of _____, 18—, to the present time, nor since the date of his last pension certificate.

_____ [L. S.]

In presence of—

(Two witnesses required when mark is made.)

Sworn to and subscribed this _____ day of _____, 18—, before me,

—

Power of Attorney.—[A—No. 1.]

Know all men by these presents, that I, _____, of _____, pensioner of the United States, do hereby constitute and appoint _____ my true and lawful attorney, for me, and in my name, to receive from the agent of the United States for paying pensions in _____, State of _____, my pension from the _____ day of _____, 18—, to the _____ day of _____, 18—.

Witness my hand and seal, this _____ day of _____, 18—.

_____ [L. S.]

Scaled and delivered in the presence of—

[A—No. 2.]

STATE OF _____, }
County of _____, } ss:

Be it known, that on the _____ day of _____, 18—, before the subscriber, _____, personally appeared _____ above named, and acknowledged the foregoing power of attorney to be his act and deed.

In testimony whereof, I have hereunto set my hand the day and year last above mentioned.

[A—No. 8.]

STATE OF _____, }
 County of _____, } ss:

I, _____, clerk of the _____ Court of the county and State aforesaid, do hereby certify that _____ is _____, duly commissioned and qualified; that his commission was dated on the _____ day of _____, 18—, and will expire on the _____ day of _____, 18—; and that his signature above written is genuine.

Given under my hand and the seal of said county, this _____ day of _____, 18—.

_____, Clerk.

Oath of Attorney.—[A—No. 4.]

STATE OF _____, }
 County of _____, } ss:

Be it known, that on the _____ day of _____, 18—, before me, _____, duly authorized by law to administer oaths, personally appeared _____, the attorney named in the foregoing power of attorney, and made oath that he has no interest whatever in the money he is authorized to receive by virtue of the foregoing power of attorney, either by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

Sworn and subscribed the day and year last above named, before me,

R.—BIENNIAL EXAMINATION.

INSTRUCTIONS.—The act of March 3, 1859, *virtually suspends* the payment, at each biennial period, of *invalid* pensions, until this certificate, properly executed, is presented at the agency where the pension is payable. The *first* biennial period commenced September 4, 1859, for army pensions, and January 1, 1860, for navy pensions; and this certificate will be required every two years thereafter, except from those who were pensioned for the loss of *arm* or *leg*, or by a *special* act of Congress. If a *new army pension* commences on or after the 4th day of March, 1861, or a *new navy pension* on or after July 1, 1861, the biennial examination of such will not be required until the next

biennial period, viz: September 4, 1863, and January 1, 1864; and this rule should be applied in the same manner at each successive biennial period.

If the *degree* of disability certified to is *less* than the rate at which last paid, the pension must be reduced accordingly; but it cannot be increased if the *degree* is greater.

The magistrate must certify as to the reputation for skill and integrity of the physicians or surgeons, and *his official* character and signature must be shown by the proper officer under seal. He must note, in due form, every erasure, interlineation, or alteration made in the certificate.

STATE OF _____, }
County of _____, } ss:

We, the subscribers, practicing* _____ in the town of _____, county of _____, and State of _____, do hereby certify that we have carefully examined _____, who is now on the invalid pension roll of the agency at _____, in the State of _____, and† _____

And, further, that his present disability for obtaining his subsistence by manual labor amounts to‡

_____, } Physicians
_____, } or
_____, } Surgeons.

Sworn to, and subscribed this _____ day of _____, 18—, before me,

I hereby certify that I am personally acquainted with the above named _____, and know their reputation for skill and integrity to be good.

* Here insert "physicians" or "surgeons," as the case may be.

† Here the physicians will briefly describe the *present physical condition* of the disability for which the *pensioner states* he was allowed his pension, and, as far as possible, how it affects the pensioner at the present time.

‡ Here insert the *degree* of disability, as "one-fourth," "one-third," &c., &c., as the case may be; but this, as well as the previous requirement, must be in the handwriting of one of the physicians; and if otherwise, or in case either is written in advance of the examination by them, the agent will be justified in rejecting the certificate, and requiring other physicians to examine the pensioner

F.—WIDOWS.

INSTRUCTIONS.—As acts of Congress prohibit the *pledging* or *transfer* of a pension certificate, the magistrate *must require* the widow or mother to show her certificate before administering the oath, and compare it with the copy herein before certifying; also to inquire of a widow or mother if she has again married.

All vouchers for the payment of a pension must be executed *on or after* the date to which the payment is claimed, and the deposition and power of attorney (when the latter is required) signed by the pensioner. Every erasure, interlineation, or alteration must be noted by the magistrate in due form, and the power of attorney executed in the presence of at least one witness, other than the officer before whom it is acknowledged. If not presented at the agency within three months from its date, a new one will be required.

~~Each~~ Each pensioner, or her attorney, must present herself at the agency to receive the money and to sign the usual receipts.

If an army pension has remained unpaid and unclaimed for fourteen months, it will not be paid at any agency. Application must be made to the Third Auditor of the United States Treasury, with the usual deposition of the pensioner and proof of identity. No power of attorney is necessary, as the draft of payment is always made payable to the order of the pensioner.

Pension agents are authorized to administer oaths on papers for *payment of pensions only*, and to charge the same fees as are allowed to officers of the State by the laws thereof.

~~When~~ When the signature is a mark, it must be made in the presence of one witness other than the justice or notary who acts officially in the case. If a notary has a seal of office, a certificate of his official character is not required.

Deposition.

STATE OF _____, }
County of _____, } ss:

Be it known, that before me, _____, in for said county, duly authorized by law to administer oaths, personally appeared _____, and made oath, in due form of law, that she is the identical person named in an original certificate in her possession, of which I certify the following is a true copy:

Department

Widow's Pension.

That she has not intermarried, but continues [insert "the widow" when a widow of soldier, but when mother of soldier insert "a widow, and is the mother"] of the above mentioned _____, and that she now resides in _____, and has resided there for the space of _____ years past; and that previous thereto she resided in _____, of the truth of which statement I am fully satisfied.

In presence of—
(Two witnesses required when mark is made.)

Sworn to, and subscribed this ____ day of _____, 18—, before me,

_____.

Widow's Power of Attorney.—[E—No. 1.]

Know all men by these presents, that _____, widow of _____, deceased, do hereby constitute and appoint _____ my true and lawful attorney, for me, and in my name, to receive from the agent of the United States for paying pensions in _____, State of _____, my pension from the _____ day of _____, to the _____ day of _____, 18—.

Witness my hand and seal, this ____ day of _____, 18—.

_____, [L. S.]

Sealed and delivered in presence of—

[E—No. 2.]

STATE OF _____, }
County of _____, } ss:

Be it known, that on the ____ day of _____, 18—, before the subscriber, _____, in and for said county, personally appeared _____, above named, and acknowledged the foregoing power of attorney to be her act and deed.

In testimony whereof, I have hereunto set my hand the day and year last above mentioned.

_____.

[E—No. 3.]

STATE OF _____, }
County of _____, } ss:

I, _____, clerk of the _____ Court of the county and State aforesaid, do hereby certify that _____ is _____, duly commis-

sioned and qualified; that his commission was dated on the _____ day of _____, 18—, and will expire on the _____ day of _____, 18—; and that his signature above written is genuine.

Given under my hand and the seal of said county, this _____ day of _____, 18—.

_____, *Clerk.*

Oath of Attorney.—[E—No. 4.]

STATE OF _____, }
County of _____, } ss:

Be it known, that on the _____ day of _____, 18—, before me, _____, in and for said county, duly authorized by law to administer oaths, personally appeared, _____, the attorney named in the foregoing power of attorney, and made oath that he has no interest whatever in the money he is authorized to receive by virtue of the foregoing power of attorney, either by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

Sworn and subscribed the day and year last above named, before me, _____.

L.—ADDITIONAL EVIDENCE OF IDENTITY.

INSTRUCTIONS.—This form is required when the pension agent is not satisfied of the identity of a pensioner; but if personally known to him, and he will certify to his identity, the annexed form may be dispensed with.

STATE OF _____, }
County of _____, } ss:

I, _____, in the county above named, do hereby certify that I have the most satisfactory evidence, viz: *
that _____, who has this day appeared before me to take the oath

* Here state what the evidence is, whether personal knowledge, or the affidavits of respectable persons, giving their name.

Number of the certificate is on the back of it.

of identity, is the identical person named in the pension certificate, which he has exhibited before me, numbered ———, and bearing date at the ———, the ——— day of ———, 18—, and signed by ———, Secretary of ———.

Given under my hand at ———, this ——— day of ———, 18—.

N.—CERTIFICATE OF CLERK OF COURT.

INSTRUCTIONS.—This blank form is provided for the purpose of being filled up and filed in the *Pension Agency*, as to the official character, signature, and term of office of such magistrates as act officially in the preparation of vouchers on which pensions are paid. There will then be no necessity, when the magistrate on the vouchers is the same with that on file in the *Agency*, to execute the similar certificate provided for in the forms A—No. 3, E—No. 3, &c. The Agent will, on the receipt of such vouchers, compare the signature with that filed in the *Agency*; and, if satisfied, endorse on them "Certificate of official character of magistrate on file in this Agency." A B, Pension Agent. The object of this is to save the expense of having a certificate of clerk of court forwarded every time a magistrate has vouchers executed before him.

If, during a quarter, a Pension Agent is furnished in one voucher with a certificate of the official character of a magistrate, then that certificate will answer for and apply to the official acts of the same magistrate in all other vouchers in the same quarter, provided the Agent will endorse on the latter "for certificate of court, as to the official character of the magistrate, see voucher No. —;" but no such reference will be received unless the vouchers are rendered in same quarterly account.

When the fact is personally known to the Agent, he is permitted to certify to the official character of a magistrate, and will be held responsible for it.

(Official signature of magistrate.)

STATE OF ———, }
County of ———, } ss:

I, ———, clerk of the ——— of the county and State aforesaid, do hereby certify that ——— is a ——— in and for said ———, duly qualified to act as such; that his term of office commenced on the ——— day of ———, in the year 18—, and will expire on the ——— day of ———, in the year 18—, and that his signature above written is genuine.

Given under my hand and the seal of the said county at ———, on this ——— day of ———, in the year of our Lord 18—.

———, Clerk.

S.—EVIDENCE IN CASES WHERE PENSION CERTIFICATES ARE ILLEGALLY WITHHELD.

INSTRUCTIONS.—In these cases, the Agent can pay upon an order from the Pension Office, but the facts respecting the detention must be briefly stated in this deposition; and the magistrate must state whether the evidence is personal knowledge or the affidavits of respectable persons—giving their names. When this form is used for an *invalid*, add in the blank just above the place for pensioner's signature, "and that he has not been employed or paid in the army, navy, or marine service of the United States from the — day of —, 18—, to the present time, nor since the date of his last pension certificate." If used for a widow, add "that she has not intermarried, but continues the widow of the above mentioned —." Erasures, interlineations, &c., must be noted in due form. •

Application for a duplicate certificate must be made according to the prescribed forms.

Deposition.

STATE OF —, }
County of —, } ss:

Be it known, that before me, — in and for said county, duly authorized by law to administer oaths, personally appeared —, and made oath, in due form of law, that he is the identical — named in an original pension certificate now illegally withheld by —; that he is entitled to a pension of — dollars and — cents per —; that he now resides in —, and has resided there for the space of — past, and that previous thereto he resided —.

(Two witnesses when mark is made.)

Sworn to and subscribed this — day of —, 18—, before me,

STATE OF —, }
County of —, } ss:

Conformably to the regulations of the War Department of the 27th of October, 1832, I, —, do hereby certify that I have the most satisfactory evidence, viz: — that —, who this day appeared before me to take the oath of identity, is the identical pen-

sioner—he declare h—self to be in the annexed affidavit; and I am also satisfied that the statement made by h— in relation to the pension certificate is true.

Given under my hand at ——— the day and year above written.

T.—FOR ANY WARD.

INSTRUCTIONS.—If a ward is an *invalid*, add in the space above the blank for signature of guardian, “and that he has not been employed or paid in the army, navy, or marine service of the United States from the ——— day of ———, 18—, to the present time, nor since the date of his last pension certificate.” If a *widow*, add “that she has not intermarried, but continues the widow of the above named ———.” If an *orphan*, no change or addition will probably be required. Vouchers must be executed *on or after* the date to which the payment is claimed, and erasures, interlineations, &c., noted in due form. Powers of attorney must be presented within three months from their date, and the guardian or his attorney must go to the agency to receive the money and to sign the usual receipts. If a pension remains unpaid and unclaimed for fourteen months, it is then only payable at the United States Treasury by application to the Third Auditor.

Deposition.

STATE OF ———, }
County of ———, } ss:

Be it known, that before me, ——— in and for said county, duly authorized by law to administer oaths, personally appeared ———, guardian of ———, and made oath, in due form of law, that the said ——— still living, and ——— the identical person named in an original certificate in ——— possession, of which I certify the following is a true copy:

That ——— now reside in ———, and ha— resided there for the space of ——— years past; and that previous thereto ——— resided in ———.

—————, *Guardian.*

In presence of—

(Two witnesses when mark is made.)

Sworn to and subscribed this ——— day of ———, 18—, before me,

—————.

Deposition of two Witnesses.

STATE OF _____, }
County of _____, } ss:

Be it known, that before me, _____ in and for said county, duly authorized by law to administer oaths, personally appeared _____, of _____, and _____, of _____, who are known to me as credible witnesses, and made oath that they personally knew _____, the pensioner— who _____ the ward— of _____, whose oath of identity, as guardian of said _____, dated _____, 18—, has been exhibited to us; and that to our certain knowledge the said pensioner _____ living at the date of said oath of identity, viz: on the _____ day of _____, 18—.

(Two witnesses when mark is made.)

Sworn to and subscribed this _____ day of _____, 18—, before me,

Guardian's Power of Attorney.—[I—No. 1.]

Know all men by these presents, that I, _____, guardian of _____, deceased, do hereby constitute and appoint _____ my true and lawful attorney, for me, and in my name, to receive from the agent of the United States for paying pensions in _____, State of _____, pension from the _____ day of _____, to the _____ day of _____, 18—.

Witness my hand and seal, this _____ day of _____, 18—.

Sealed and delivered in presence of— _____, [L. S.]

[I—No. 2.]

STATE OF _____, }
County of _____, } ss:

Be it known, that on the _____ day of _____, 18—, before

the subscriber, ———, in and for said county, duly authorized by law to administer oaths, personally appeared ———, above named, and acknowledged the foregoing power of attorney to be — free act and deed.

In testimony whereof, I have hereunto set my hand the day and year last above mentioned.

[I—No. 3.]

STATE OF _____, }
County of _____, } ss:

I, ———, clerk of the ——— Court of the county and State aforesaid, do hereby certify that ——— is ———, duly commissioned and qualified; that his commission was dated on the ——— day of ———, 18—, and will expire on the ——— day of ———, 18—; and that his signature above written is genuine.

Given under my hand and the seal of said county, this ——— day of ———, 18—.

_____, Clerk.

Oath of Attorney.—[I—No. 4.]

STATE OF _____, }
County of _____, } ss:

Be it known, that on the ——— day of ———, 18—, before me, ———, in and for said county, duly authorized by law to administer oaths, personally appeared ———, the attorney named in the foregoing power of attorney, and made oath that he has no interest whatever in the money he is authorized to receive by virtue of the foregoing power of attorney, either by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

Sworn and subscribed the day and year last above named, before me,

Certificate of Court as to Guardianship.

~~When~~ When the guardian is not named in, or has been changed since the pension certificate was issued, this certificate will be required.

STATE OF _____, }
County of _____, } ss:

I, _____, clerk of the _____ Court in and for said county, do hereby certify that _____, whose signature appears to the annexed oath of identity, as guardian of _____, was appointed guardian of said ward— on the _____ day of _____, 18—, as appears on record in the office of said court, and is still the legal and acting guardian of said ward—.

In witness whereof, I have hereunto set my hand and affixed the seal of said court this _____ day of _____, 18—.

_____, Clerk.

O.—OATH OF IDENTITY FOR A WIDOW, CHILD, CHILDREN, ADMINISTRATOR, OR EXECUTOR OF A DECEASED PENSIONER.

INSTRUCTIONS.—On the death of a pensioner, the widow, or, if no widow, the child or children of the deceased, can draw his or her pension up to the date of his or her death, without the intervention of administrator or executor. When a *male pensioner* dies, the arrears due are *only payable* to the widow, if alive.

When children are thus entitled, they can, by a *written order* to one of their number, authorize him or her to receive the whole amount due, and then he or she alone makes the annexed deposition; but in no case can a child thus authorized give a power of attorney to a third party for any part but his or her own.

~~When one of the children is appointed by the others to receive the balance, the attorney's oath is not required of the child.~~

If the pension certificate is lost, insert after the word *surrendered* in deposition, and after the names in certificate of court, "that the pension certificate of said pensioner has been lost, and, after due search and inquiry therefor, it cannot be found"

If more than fourteen months have elapsed since the death of the pensioner, the arrears will not be paid at any agency. The application *must be made* to the Third Auditor of the United States Treasury if an army pension, and to the Fourth Auditor if a navy pension. No power of attorney is then necessary, as the draft of payment is always made payable to the party entitled.

Deposition.

STATE OF _____, }
County of _____, } ss:

Be it known, that before me, _____ in and for said county,

duly authorized by law to administer oaths, personally appeared _____, and made oath, in due form of law, that _____, of _____, the identical person who was a pensioner, and is now dead, and to whom a certificate of pension was issued, which is _____ herewith surrendered _____. That the deceased pensioner resided in _____, in the State of _____, for the space of _____ years before _____ death, and that previous thereto _____ resided in _____, in the State of _____.

In presence of—

(Two witnesses required when mark is made.)

Sworn to and subscribed this _____ day of _____, 18—, before me,

_____.

Certificate of the Court as to the Death of a Pensioner.

STATE OF _____, }
County of _____, } ss:

I, _____, clerk of the Court of _____, holden at _____, in and for _____, do hereby certify that satisfactory evidence has been exhibited to said Court that _____ was a pensioner of the United States at the rate of _____ dollars per _____; was a resident of the county of _____, in the State of _____, and died in the year eighteen hundred _____, on the _____ day of _____; that he left _____, whose name _____.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at _____, this _____ day of _____, in the year of our Lord 18—.

_____,
Clerk of the _____.

Power of Attorney for the Claimant of a deceased Pensioner.—

[O—No. 1.]

Know all men by these presents, that _____, of _____, in the county of _____, State of _____, of _____, who was a pensioner of the United States, do hereby constitute and appoint _____ true and lawful attorney for _____ and in _____ name, to receive from the agent of the United States for paying pensions in _____, State of _____, the balance of said pension from the _____ day of _____, 18—, to the _____ day of _____, 18—; being the day of his death.

_____ [L. S.]

_____ [L. S.]

_____ [L. S.]

_____ [L. S.]

Sealed and delivered in presence of—
(Two witnesses required.)

[O—No. 2.]

STATE OF _____, }
County of _____, } ss:

Be it known, that on the _____ day of _____, 18—, before the subscriber, _____ in and for said county, personally appeared _____ above named, and acknowledged the foregoing power of attorney to be _____ act and deed.

In testimony whereof, I have hereunto set my hand the day and year last above mentioned.

[O—No. 3.]

STATE OF _____, }
County of _____, } ss:

I, _____, clerk of the _____ Court of the county and State aforesaid, do hereby certify that _____ is _____, duly commissioned and qualified; that his commission was dated on the _____

day of _____, 18—, and will expire on the _____ day of _____, 18—; and that his signature above written is genuine.

Given under my hand and the seal of said county, this _____ day of _____, 18—.

_____, Clerk.

Oath of Attorney.—[O—No. 4.]

STATE OF _____, }
County of _____, } ss:

Be it known, that on the _____ day of _____, 18—, before me, _____, in and for said county, duly authorized by law to administer oaths, personally appeared, _____, the attorney named in the foregoing power of attorney, and made oath that he has no interest whatever in the money he is authorized to receive by virtue of the foregoing power of attorney, either by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

Sworn and subscribed the day and year last above named, before me,

NAVY—INVALID.

INSTRUCTIONS.—As acts of Congress prohibit the *pledging* or *transfer* of a pension certificate, and provide for the termination of a pension by re-enlisting, the magistrate *must require* the pensioner to show his or her pension certificate before administering the oath, and to inquire of an invalid pensioner if he has been *employed or paid* in the army, navy, or marine service of the United States.

All vouchers for the payment of a pension must be executed on or after the date to which payment is claimed, and the deposition and power of attorney (when required) signed by the pensioner. Every erasure, interlineation, or alteration must be noted in due form by the magistrate. Whenever an attorney is employed to receive a pension, the execution of the power must be in the presence of at least one witness other than the magistrate before whom it is acknowledged; and if not presented at the agency within three months from its date, a new one will be required.

When a pensioner makes his mark, such signature must be in the presence of one witness other than the justice or notary who acts officially in the case.

Each pensioner, or his attorney, must present himself at the agency to receive the money and to sign the usual receipts.

If a navy pension has remained unpaid and unclaimed for fourteen months,

it will not be paid at any agency. Application must be made to the Fourth Auditor of the United States Treasury, with the usual deposition of the pensioner and proof of identity. No power of attorney is necessary, as the draft of payment is always made payable to the order of the pensioner.

Pension agents are authorized to administer oaths on papers for *payment of pensions only*, and to charge the same fees as are allowed to officers of the State by the laws thereof.

Deposition.

STATE OF _____, }
County of _____, } ss:

Be it known, that before me, _____, in and for the county aforesaid, duly authorized to administer oaths, personally appeared _____, late a _____ in the _____ service of the United States, an _____ pensioner, and made oath, in due form of law, that he is the identical _____ named in an original certificate of pension, bearing date at the _____ on the _____ day of _____, 18—, and signed by _____, Secretary of _____; which certificate he exhibited to me, and by which it appears that he is entitled to a pension of _____ dollars _____ cents per month; and he further swears that he has not been employed or paid in the army, navy, or marine service of the United States from the first day of _____, 18—, to the present time, nor since the date of his last pension certificate.

(Two witnesses required if mark is made.)

Sworn to, and subscribed this _____ day of _____, 18—, before me,

Power of Attorney—same as "D." Biennial Examination—same as "R."

NAVY—WIDOW.

INSTRUCTIONS.—As acts of Congress prohibit the *pledging* or *transfer* of a pension certificate, the magistrate *must require* the widow or mother to show her certificate before administering the oath, and compare it with the copy herein before certifying; also to inquire of a widow or mother if she has again married.

All vouchers for the payment of a pension must be executed *on or after* the date to which the payment is claimed, and the deposition and power of attorney (when the latter is required) signed by the pensioner. Every erasure, interlineation, or alteration must be noted by the magistrate in due form, and the power of attorney executed in the presence of at least one witness, other than the officer before whom it is acknowledged. If not presented at the agency within three months from its date, a new one will be required.

~~Each~~ Each pensioner, or her attorney, must present herself at the agency to receive the money and to sign the usual receipts.

If a navy pension has remained unpaid and unclaimed for fourteen months, it will not be paid at any agency. Application must be made to the Fourth Auditor of the United States Treasury, with the usual deposition of the pensioner and proof of identity. No power of attorney is necessary, as the draft of payment is always made payable to the order of the pensioner.

Pension agents are authorized to administer oaths on papers for *payment of pensions only*, and to charge the same fees as are allowed to officers of the State by the laws thereof.

~~When~~ When the signature is a mark, it must be made in the presence of one witness other than the justice or notary who acts officially in the case. If a notary has a seal of office, a certificate of his official character is not required.

Deposition.

STATE OF _____, }
County of _____, } ss:

Be it known, that before me, _____, in and for the county aforesaid, duly authorized by law to administer oaths, personally appeared _____, widow of _____, late a _____ in the _____ service of the United States, and made oath, in due form of law, that she is the identical _____ named in an original certificate of pension, bearing date at the _____ on the _____ day of _____ 18—, and signed by _____, Secretary of _____, which certificate she exhibited to me, and by which it appears that she is entitled to a pension of _____ dollars _____ cents per month; and that she has not intermarried, but continues the widow of the above mentioned _____.

(Two witnesses required when mark is made.)

Sworn to, and subscribed this _____ day of _____, 18—, before me,

—
Power of Attorney—same as "F."

NAVY—ORPHANS.

INSTRUCTIONS.—An act of Congress prohibits the *pledging* or *transfer* of a pension certificate.

The magistrate *must require* the pensioner to show his or her pension certificate before administering the oath, and to inquire if he has been *employea or paid* in the army, navy, or marine service of the United States.

All vouchers for the payment of a pension must be executed on or after the date to which the payment is claimed, and the deposition and power of attorney signed by the pensioner. Every erasure, interlineation, or alteration, must be noted in due form by the magistrate. Whenever an attorney is employed to receive a pension, the execution of the power must be in the presence of at least one witness, other than the magistrate before whom it is acknowledged; and if not presented at the agency within three months from its date, a new one will be required.

When the pensioner makes his mark, such signature must be in the presence of one witness, other than the justice or notary who acts officially in the case.

Each pensioner, or his attorney, must present himself at the agency to receive the money, and to sign the usual receipts.

If a pension has remained unpaid and unclaimed for fourteen months, it will not be paid at any agency. Application must be made to the Fourth Auditor of the United States Treasury, with the usual deposition of the pensioner and proof of identity. No power of attorney is necessary, as the draft of payment is always made payable to the order of the pensioner.

Pension agents are authorized to administer oaths on papers for the *payment of pensions only*, and to charge the same fees as are allowed to officers of the State by the laws thereof.

Deposition.

STATE OF _____, }
County of _____, } ss:

Be it known, that before me, _____, in and for the county aforesaid, duly authorized by law to administer oaths, personally appeared _____, guardian of _____, orphan child— of _____, late a _____ in the naval service of the United States, and made oath, in due form of law, that _____, the guardian named in the accompanying certificate of guardianship; that _____ said ward _____ the child— of _____ referred to in an original certificate of pension bearing date at the Department of the Interior on the _____ day of _____, 18—, and signed by _____, Secretary of the Interior; which certificate he exhibited to me, and by which it appears that _____ said ward _____ entitled to a pension of _____ dollars and _____ cents per month; and that said child _____ living, and not over sixteen years of age.

_____, Guardian.

(Two witnesses required when mark is made.

Sworn to and subscribed this _____ day of _____, 18—, before me,

Oath of two Witnesses that the Ward is living; also that Guardian is acting—same as "T."

APPLICATION FOR AN INCREASE OF PENSION.

INSTRUCTIONS.—All applications for increase of pensions must be endorsed by the Pension Agent where payment has been made, and he must certify that he knows, or believes, on information from others, that the surgeons are reputable in their profession. The application must be accompanied with the pension certificate when sent to the Pension Office.

It is hereby certified, that _____, formerly a _____ of Captain _____ company, in the _____ regiment of _____, who, it appears by the accompanying certificate, was placed on the pension roll at the rate of _____ dollars per month, on account, as he states, of having [here state wound received or disease contracted, for which the applicant alleges that he was pensioned] while in the line of his duty, and in the said service, on or about the _____ day of _____, in the year _____, at a place called _____, in the State or Territory of _____, is not only still disabled in consequence of the said injury, but, in our opinion, his disability to obtain his subsistence by manual labor has increased since his last examination _____, so that it now amounts to _____ disability; the said increased disability originating entirely from the injury or disease on account of which he was originally pensioned.

_____, Surgeon.
_____, Surgeon.

STATE OF _____, }
County of _____, } ss:

On this _____ day of _____, A. D. one thousand eight hundred and _____, personally appeared before me _____, a justice of the

peace [or other magistrate] within and for the State and county aforesaid, Dr. _____ and Dr. _____, who, being duly sworn according to law, say that the above document by them signed is, to the best of their knowledge and belief, just and true.

Before me,

(Magistrate's signature.)

PENSION AGENCY, _____,
_____, 186—.

I hereby certify that Dr. _____ and Dr. _____, whose signatures appear above, are surgeons in actual practice, and reputable in their profession, as I [here state reasons for such opinion, whether personal knowledge or otherwise,] and entitled to full credit and belief.

_____, Pension Agent.

APPLICATION FOR A TRANSFER.

INSTRUCTIONS.—The oath to be taken before a duly qualified magistrate, whose official character and signature must be certified by the proper officer, under his seal of office. The County Clerk, Secretary of State, or some other officer, must certify, under his seal of office, that the officer who administered the oath is a Justice of the Peace, Judge, Mayor, Alderman, or Notary Public, as the case may be, and that the signature purporting to be his is genuine.

~~The~~ The oath must be supported by the testimony of some respectable person, as to the pensioner's identity. He must swear that the person who has taken the above oath is the person described in the affidavit. The magistrate must certify that the witness is a person of veracity; and the affidavit must also be authenticated in the manner above directed.

~~In~~ In every case where the Clerk of the Court, or other certifying officer, has no public seal of office, the certificate of a member of Congress, proving the official character and signature of the certifying officer, should be sent with the papers.

~~Mode of authenticating papers.~~—In every instance where the certificate of the certifying officer who authenticates the papers is not written on the same sheet which contains the affidavit, or other paper authenticated, the certificate must be attached thereto by a piece of tape or small ribbon, the ends of which must pass under the seal of office of the certifying officer, so as to prevent any paper from being improperly attached to the certificate.

County of _____, ss:

On this _____ day of _____, 18—, before me, the subscriber, a justice of the peace for the said county of _____, personally appeared _____, who, on his oath, declares that he is the same per-

son who formerly belonged to the company commanded by Captain _____, in the regiment commanded by Colonel _____, in the service of the United States; that his name was placed on the pension roll of the State of _____, whence he has lately removed; that he now resides in the State (District or Territory) of _____, where he intends to remain, and wishes his pension to be there payable, in future. The following are his reasons for removing from _____ to _____:

Sworn and subscribed to before me the day and year aforesaid,

APPLICATION FOR A TRANSFER.

INSTRUCTIONS.—The oath to be taken before a duly qualified magistrate, whose official character and signature must be certified by the proper officer, under his seal of office. The County Clerk, Secretary of State, or some other officer, must certify, under his seal of office, that the officer who administered the oath is a Justice of the Peace, Judge, Mayor, Alderman, or Notary Public, as the case may be, and that the signature purporting to be his is genuine.

~~§~~ The oath must be supported by the testimony of some respectable person, as to the pensioner's identity. He must swear that the person who has taken the above oath is the person described in the affidavit. The magistrate must certify that the witness is a person of veracity; and the affidavit must also be authenticated in the manner above directed.

~~§~~ In every case where the Clerk of the Court, or other certifying officer, has no public seal of office, the certificate of a member of Congress, proving the official character and signature of the certifying officer, should be sent with the papers.

~~§~~ *Mode of authenticating papers.*—In every instance where the certificate of the certifying officer who authenticates the papers is not written on the same sheet which contains the affidavit, or other paper authenticated, the certificate must be attached thereto by a piece of tape or small ribbon, the ends of which must pass under the seal of office of the certifying officer, so as to prevent any paper from being improperly attached to the certificate.

County of _____, ss:

On this _____ day of _____, 18—, before me, the subscriber, a justice of the peace for the said county of _____, personally appeared _____, who, on her oath, declares that she is the widow of _____, who formerly belonged to the company commanded by Captain _____, in the regiment commanded by Colonel _____, in the service of the United States; that her name was placed on the pension roll of the State of _____, whence she has lately removed; that she now resides in the State (District or Territory) of _____

_____, where she intends to remain, and wishes her pension to be there payable, in future. The following are her reasons for removing from _____ to _____:

Sworn and subscribed to before me the day and year aforesaid,

_____.

APPLICATION FOR A NEW CERTIFICATE.

INSTRUCTIONS.—Blanks are left at the close of applicant's affidavit that he may set forth the time, place, and manner of the loss or destruction of the original certificate.

The pensioner's oath must be supported by the evidence of another person as to identity. The witness must swear that he well knows him to be the same person described in his affidavit, and the magistrate must certify that the deponent is a person of veracity.

When a person acting as agent or attorney for a pensioner loses the certificate, the affidavit of that person, duly authenticated, is also required.

The official character and signature of the officer before whom the affidavits are made must be authenticated by the certificate of the proper officer, under his seal of office; and in every instance where the certificate of the certifying officer who authenticates the papers is not written on the same sheet which contains the affidavit, or other paper authenticated, the certificate must be attached thereto by a piece of tape or small ribbon, the ends of which must pass under the seal of office of the certifying officer.

STATE OF _____, }
County of _____, } ss:

On this _____ day of _____, 18—, before the subscriber, a _____ for said county, personally appeared _____, who, on his oath, declares that he is the same person who formerly belonged to the company commanded by Captain _____, in the regiment commanded by Colonel _____, in the service of the United States; that his name was placed on the pension roll of the State of _____; that he received a certificate of that fact under the signature and seal of the Secretary of _____; which certificate, on or about the _____ day of _____, 18—, at or near _____.

Sworn and subscribed to before me the day and year aforesaid,

_____.

STATE OF _____, }
County of _____, } ss:

On this _____ day of _____, 18—, before the subscriber, a

——— for said county, personally appeared ———, who, on his oath, declares that he well knows ———, who has executed the foregoing affidavit, to be the identical pensioner named therein.

Sworn and subscribed to before me the day and year aforesaid,

——— .

PART IV.

This division will present a digest of all the established decisions made by the Attorneys General, Secretaries of War, Secretaries of the Interior, and Commissioners of Pensions, relating to pensions and the rules and principles which govern the Pension Office. Many of the decisions rendered have been with reference to the construction of special laws, and matters in which no general principle is involved. Of course, their day and use have gone by. No such decisions will find a place in this digest. It will be confined entirely to decisions involving general principles, and such as are recognised by the office at the present time and acted on.

DIGEST OF DECISIONS.

SECTION 1. Who may claim the arrears of pension due a deceased pensioner.

“Where a pensioner died, leaving a widow, who also died without demanding the pension due since the last semi-annual payment, *her* executors or administrators are alone entitled. If he left no widow, but several children, one of whom dies before the amount is paid, the legal representatives of the deceased child are entitled to his share. If he left

neither widow nor child, *his* legal representatives are entitled."

[Opinion of Attorney General, February 28, 1834.

"A pensioner under the act of June 7, 1832, was subsequently admitted under that of July 5, 1832, and, according to the rule then in existence, the pension ceased; and what he had received as pension was deducted from the half pay due him. After his death this rule was reversed, it being then decided that the same party might receive both pension and half pay. His widow and his administrator each claimed the pension that had been withheld under the erroneous rule, and it was decided that the case was controlled by the act of March 2, 1829, under which the widow has the prior right."

[Secretary of War, in the case of Benjamin Field.

To the same purpose are the decisions April 21, 1845; March 5, 1850; July 14, 1846; and July 18, 1844.

A practice slightly varying from the above appears to have prevailed with reference to revolutionary cases, when persons had not been put on the pension list before their death:

"While the fractions of a pension due between the last semi-annual payment and the pensioner's death must, according to the Attorney General's opinion of February 28, 1834, be paid to the legal representatives of the widow, if she survived him, yet arrears of pension, which had never been claimed or allowed in his lifetime, nor claimed by the widow in hers, go to *his* children."

[Secretary of War, July 18, 1844.

"The act of June 19, 1840, applies to *pensioners*

alone, that is, to those who had been actually in the receipt of a pension; and of pensioners, to those only who should die after its passage, not to those who had died before. If the party have died before the date of that act, or, if he had never received a pension, the arrears (if there be no law directing their distribution) must go, under the common law, to his or her representatives."

[Secretary of the Interior, March 5, 1850.]

To the same purpose are the decisions of May 24, 1845, February 3, 1834, and the cases of Ann Smith and Benjamin Wheeler:

"One put on the pension list by a special act of Congress died before the passage of the act; his children are entitled."

[Opinion of Attorney General, May 25, 1840.]

"The moneys payable under the third section of the act of July 5, 1832, like those payable under the second section of the same act, are to be paid to the legal representatives, who cannot be required to show that there is either heir or creditor in existence."

[Opinion of Attorney General, October 24, 1836.]

"The assent of the heirs is not requisite to the payment of money under this act to the legal representatives."

[Secretary of War, March 5, 1836.]

"The case stated in your letter of the 26th January is as follows:—

"During the late war with England, an individual was killed on board of a private armed vessel of the United States, in an action with a British ship. His widow did not apply for a pension. She married again; but the second husband, during her life, did

not prefer the claim. After her death, he demanded the pension from the date of the first husband's death to the time of the second marriage. The woman had no children.'

"On this case, you inquire—1st, Whether a pension shall be paid? and, if so, 2d, Who is the proper person to receive it?

"The opinion of the Attorney General dated the 9th of June, 1825, and transmitted on that day to the Secretary of the Navy, settles the first of these questions in the *affirmative*.

"Your second question must be solved by applying to the present case the rules of law in regard to the right of the husband in the property of his wife, in force in the State where the parties resided at the time of his wife's death. By the law of England, the husband, if he survives his wife, is entitled to administer on her estate, and to recover all debts due to her at the time of marriage, and all her other outstanding choses in action, for his own use, subject only to his liability for debts contracted by her whilst a *femme sole*, to the extent of the assets received by him. This is the general rule in the American States; though in Maryland, and perhaps in some other States, the husband has been relieved from the necessity of taking out letters of administration."

[Opinion of Attorney General, April 5, 1835.]

"To entitle a woman, as the *widow* of an officer, seaman, or marine, to the pension given by the law, she must have remained in a state of widowhood. The party serving must die *leaving a widow*; and it is "*such widow*"—that is, *the widow left by the decedent*, and the widow of the decedent—who is entitled.

Mrs. Timberlake, having remarried, can therefore claim no benefit under the act.

"Where the decedent has left a widow and children, and the former has married before the passage of the act, the children, within the equity of the law, and by a liberal construction of its provisions, are entitled to its benefits. I am accordingly of opinion that the children of Purser Timberlake are entitled to the half pay granted by the first section of the act, from the death of their father, to cease on their death, or on their attaining the age of twenty-one years."

[Opinion of Attorney General, April 7, 1837.]

"I have the honor to inform you, that, as Mrs. Murray died before the passage of the act under which the claim is made, I am of opinion no right to any of the benefits granted by that law was vested in her, to be passed to her representative. In similar cases arising under the general pension law of the fourth of July, 1836, I had occasion to adopt this principle; and, though many considerations may well be urged in favor of extending the law so as to reach these cases, yet it is only to Congress that they can properly be addressed."

[Opinion of Attorney General, April 11, 1837.]

"I have the honor to inform you, that if (as I understand is the fact) the steward serving on board a ship-of-war is borne on the ship's books as one of the crew, and is amenable to martial law, I think he must be regarded as a *seaman*, within the pension laws, so as to entitle his widow to a pension. In the particulars stated, such a case is entirely distinguishable from that of the *hospital* steward to which you refer."

[Opinion of Attorney General, November 18, 1837.]

"So soon as this law passed, the pensioner became entitled, in my opinion, to his arrearages of pension, as fully as he was to the pension itself; and although he died without having received what was due to him, still the money does not belong to the Navy Pension Fund, but must be paid over to his legal representatives."

[Opinion of Attorney General, March 23, 1839.]

SECTION 2. The pension due a defaulter to the Government cannot be withheld from him, neither can overpayment to a pensioner be retained out of his pension.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled "An act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes," approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

[Approved, May 20, 1836.]

"Since the passage of this act, money withheld under the act of January 25, 1828, (which provides, 'That no money hereafter appropriated to any person, for his compensation, who is in arrears to the United States, shall be paid him, until such person shall have accounted for, and paid into the Treasury, all sums for which he shall be liable,') ought to be refunded to the pensioner."

[Opinion of Attorney General, June 27, 1836.]

"Where a pensioner has been allowed more than his services entitled him to, no portion of the money thus

improperly paid him can be retained on a readjustment of his pension."

. [Opinion of Attorney General, July 6, 1836.

"Except where the overpayment has been obtained by fraud, the allowance of a higher pension than the party's services entitled him to ought to be regarded as overpayment by mistake, constituting a debt from the pensioner to the United States, and consequently, under the equity of the act of May 20, 1836, not to be retained out of the pension properly due him."

[Secretary of War, March 13, 1837.

SECTION 3. In cases of special acts of Congress granting pensions to individuals, the pension commences with date of the act. •

"An act of Congress places a person on the pension list at \$80 per annum, 'to be paid as other pensioners;' the pension commences from the date of the act."

[Secretary of War, case of George Rush, Va.

SECTION 4. The unallowed claim for a pension is not barred by lapse of time; but when on the list, and failing to claim payment for six years, a pensioner can obtain payment only by special act of Congress.

"The fourth section of the act of March 3, 1845, making appropriations for the civil and diplomatic expenses of the Government, (which provides 'that no accounts which have been adjusted by the accounting officers of the Treasury shall be reopened without authority of law, nor shall the accounting officers of the Treasury act upon any account which shall not be presented within six years from the date when the claim first existed, unless the person having the claim was an infant, feme covert or lunatic, and those within six years after the removal of the disability: *Provided*, That this section shall not apply to cases where special

acts have passed or shall pass, for the relief of individuals,') does not apply to an unallowed claim for a pension.

"If a pensioner, after being placed upon the pension list, shall fail to apply for his semi-annual payments for six years, then his claim is barred, and he must apply to Congress. The statute in such cases begins to run from the time of his failing to apply for the semi-annual payment, not from the date of his certificate."

[Opinion of Attorney General, April 22, 1845.]

"Nor does this section apply to claims under the act of July 5, 1832."

[Ibid.]

SECTION 5. A legislative decision to overrule an Executive opinion.

ATTORNEY GENERAL'S OFFICE, *March 27, 1849.*

SIR: In the case of the representatives of Churchill Gibbs, referred to this office, I am of opinion that both Houses of Congress having, on the 12th of January, 1848, resolved that the claim was provided for by the act of July 5, 1832, and the House of Representatives having done so again at the last session, after the Executive department had, more than once, maintained a different doctrine, I am of opinion that a proper deference to the Legislature demands that their construction should be adopted. That a claim should be rejected by the Executive because Congress had not, in its opinion, provided for it, and the claimant be referred to the latter for relief, and, going there, be referred back to the Executive by Congress, because, in their opinion, they had provided for it by the existing laws, and that it should still be disallowed, would, in my opinion, be a reproach upon the justice

of the Government, which it is not only in the power, but the duty, of the Executive to prevent. Without deciding, therefore, upon the first of the two questions submitted, I am very clear that, upon the ground included within the second question, the claim should be liquidated.

REVERDY JOHNSON.

HON. THOMAS EWING, *Secretary of the Interior.*

SECTION 6. The remedy where a pension certificate is withheld illegally from a pensioner by a third party.

"Where a pensioner has pledged his certificate for a debt, the Secretary should not issue a new one to him. But if satisfactory evidence is adduced to show that it is in the hands of a third party, and has been demanded and its delivery refused, payment should be made without its production."

[Opinion of Attorney General, October 27, 1832.]

SECTION 7. A Secretary cannot reopen a case unless within five years after a decision of his predecessor.

"A Secretary should not reopen a case which has been decided by one of his predecessors, unless in such time as a writ of error might be had at common law, or a bill of review in equity; that is, within five years."

[Secretary of the Interior, case of Mrs. Hodges.]

SECTION 8. Commissioned officers entitled to a pension for the grade in which they are acting when disabled.

"Service in a military grade which is usually held under a commission, even though the party never received one, or it did not date back to the commencement of his service, entitles to the pension of that grade."

[Secretary of War, January 15, 1833.]

"Under the 14th section of the act of February 11, 1812, an aid-de-camp can receive pension only according to his rank in the line."

[Opinion of Attorney General, December 5, 1820.]

"Brevet rank does not regulate the pension of an officer, but his actual rank in the line."

[Secretary of the Interior, case of Major Reynolds.]

SECTION 9. Proceedings when the claimant is insane.

"On consultation with the Attorney General, he is of opinion that, *in all cases* of insanity or of mental infirmity destroying the faculties, the *statement* of the nearest relatives of a person claiming a pension may be received under oath, recapitulating his own account of his *services* as given prior to such incapacity; and that if such statement would have been *sufficient* to warrant the pension, if made by the party himself, it shall be deemed sufficient in those cases.

"Let this be the rule. LEWIS CASS."

SECTION 10. Desertion bars all claim to pension, and also the reception of pay in the army.

"Desertion forfeits all rights to a pension."

[Secretary of War, June 27, 1843.]

"Where a prisoner of war voluntarily went into civil employment in the enemy's country, and remained there till the war was over, he is to be regarded as a deserter, and consequently is precluded from the benefit of the pension acts."

[Secretary of War, August 31, 1840.]

"On the 18th April, 1829, the President ordered that no one, while receiving pay as an army officer, should be placed on the invalid pension roll."

"*And provided, also,* That no person in the army,

navy, or marine corps, shall be allowed to draw both a pension as an invalid and the pay of his rank or station in the service, unless the alleged disability for which the pension was granted be such as to have occasioned his employment in a lower grade, or in some civil branch of the service."

[Approved, April 30, 1844.]

"If a soldier be returned on the rolls as a deserter, this charge cannot be obviated by parol proof."

[Secretary of the Interior, case of Adam Carver, June 23, 1853.]

"If the charge be unfounded, the party should satisfy the War Department of that fact, and the rolls being corrected there, the Pension Office will grant the bounty land."

"The time a soldier was in captivity will be computed as part of his service, but not that while he was on parole."*

[Secretary of the Interior, case of R. E. Kelly, March 16, 1852.]

SECTION 11. Letters of administration must be taken out at the place of the last domicil of the pensioner.

DEPARTMENT OF THE INTERIOR, *September 12, 1849.*

SIR: In the claim of the administrator of Mary Barbee, I am of opinion that the letters of administration should be taken out at the place of domicil of the deceased.

This is not only the course legally to be pursued, but is eminently proper in the class of cases to which this belongs, as any other would subject the department to liability to fraud and imposture. Of course no imputation of this kind is expressed of the present case; but the rule is one, the observance of which should be enforced in all cases.

* See Sec. 13, page 177.

In addition to the letter of administration taken out at the place of the last domicil, there must be strict proof that the person so represented was the same whose husband performed this service or drew the pension. If the place of her or his residence was changed after he performed the service or died, being a pensioner, that must also be proved, so as to leave no doubt of the personal identity. The papers are herewith returned. T. EWING.

To the COMMISSIONER OF PENSIONS.

SECTION 12. An act enlarging the operation of a previous act applies only to those living at the time of its passage.

“When any act or resolution passes, enlarging the operation of a previous statute, it is held to apply only to officers, soldiers, and widows living at the date of its passage. For example: it was decided that the act of July 4, 1836, did not embrace such widows whose husbands were living at that date; the resolution of July 7, 1838, removed this restriction: if the husband was living July 4, 1836, but died immediately after, and the widow died July 6, 1838, her children can claim nothing; but if she died July 7, 1838, they may claim, she having been otherwise entitled.”

“The third section of the act of July 4, 1836, embraces the widows of officers and soldiers who were living at the date of the passage of the act of June 7, 1832.”

[Opinion of Attorney General, April 13, 1837.]

SECTION 13. Imprisonment and parole is to be reckoned as service.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That, in the execution of the act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution, approved June seventh, one thousand eight hundred and thirty-two, the time of imprisonment as a prisoner of war shall be taken and computed as a part of the period of service.

[Approved, July 14, 1832.]

“The time during which a party was on parole is also allowed.”

SECTION 14. Special enactments with reference to evidence, in widows' claims for pensions, and evidence in invalid claims.

“SEC. 2. *And be it further enacted*, That no widow entitled to a pension under existing laws, and claiming a pension, whose husband was drawing a pension at the time of his decease, shall be required, in any such case, to furnish any further evidence that said husband was entitled to a pension; nor shall any evidence, in any case, be required to entitle the widow to a pension, when the evidence is in the archives of the Government, other than such proof as would be sufficient to establish the marriage between the applicant and the deceased pensioner in civil personal actions in a court of justice: *Provided*, That, upon a revision of the testimony in the case of the deceased husband, the commissioner be satisfied that the pension was properly granted.”

[Approved, May 7, 1846.]

“*Resolved*, That in all cases where a pension may have been granted to any officer or soldier of the revolution in his lifetime, the evidence upon which such pension was granted shall be conclusive of the service of such officer or soldier, in the application of any widow, or woman who may have been the widow, of

such officer or soldier, for a pension; and upon proof by her that she was married to any such officer or soldier prior to January 1, 1794, and that she is a widow, she shall thereupon be placed upon the pension roll at the same rate such officer or soldier received during his lifetime."

[Approved, July 1, 1848.]

"If the rolls of the service in which the applicant's name is found do not show the injury, the absence of such remark must be satisfactorily accounted for before the pension can be granted."

[Secretary of War, January 10, 1825.]

"No surgeon's affidavit or certificate shall be deemed evidence sufficient to justify the allowance of a pension, unless it shall have been received at the Department within one month from the date thereof."

[Rule, April 18, 1829.]

"The certificate of Members of Congress as to the character of a physician or surgeon may be received."

[Secretary of War, November 29, 1833.]

"An United States judge may certify the same."

[Rule, December 4, 1838.]

SECTION 15. The commencement of widows', and invalid, and naval pensions.

"A woman married two revolutionary soldiers, the latter of whom drew a pension under the act of June 7, 1832; she applies under the act of July 4, 1836, on account of the services of her first husband; her pension shall commence from March 4, 1831, not being affected by the fact that her second husband, for whose services she claims nothing, drew a pension during a portion of the time covered by hers."

[Secretary of War, July 24, 1834.]

"A prisoner on parole is not in service in such a

manner as to authorize the allowance of a pension to his widow."

[Secretary of the Interior, case of Rebecca White.

"Invalid pensions in all cases must commence from the time of completing the proof; and that cannot be regarded as complete while anything of substance or of form is wanting."

[Opinion of Attorney General, July 2 and 19, 1822.

"The testimony is complete when it is closed before the judicial officers before whom it is taken."

[Opinion of Attorney General, March 31, 1836.

"The evidence in no pension case can be considered as complete until it is duly authenticated."

[Rule, April 18, 1829.

"A soldier wounded in the line of his duty in April, 1830, applied for an invalid pension in June, 1830, but did not complete his proof till 1843; he was allowed a pension commencing in April, 1830, the date of the injury."

[Secretary of War, case of Conrad France, February, 1843.

"Sir: In answer to the question proposed by the Commissioner of Pensions, on the 1st section of the act of the 4th of July, 1836, granting half pay to widows and orphans, I have the honor to reply as follows:

"In my opinion, the pension granted by this section is to commence from the day when the bill was approved and became a law, as to all cases in which the death of the party serving had occurred anterior to that day; and, in all subsequent cases, from the time of the death of such party. Pension laws, drawn in the form used in this law, have usually been regarded in this office as vesting in the widow or chil-

dren (as the case may be) a legal right to a pension from the day of the death of the husband or parent; but, as this is a new law, it cannot have the effect to give such a right for any time anterior to its passage."

[Opinion of Attorney General, October 24, 1836.]

SECTION 16. A widow has no claim except on the actual service of the husband.

"The law requires actual service on the part of the husband for the widow to found her claim to a pension upon, and consequently she can claim nothing for the time he was a supernumerary."

[Secretary of the Interior, April 19, 1851.]

SECTION 17. A divorce bars a woman from obtaining a pension when the man dies, on his account, and so does the death of a husband by intemperance; so holding civil office, in part or wholly, bars a navy pension.

"A woman on her own application was divorced from her husband, who subsequently became a pensioner; on his death, she applies as his widow, on the ground that the divorce was technically illegal; *held*, that, even if it were competent for the Pension Office to look into such cases in order to ascertain the legality of the divorce, the widow could not avail herself of the irregularities of her own application."

[Secretary of the Interior, case of Rachael Murry.]

"If the soldier's death is caused by intemperance, his widow is not entitled under the act of July 21, 1848."

[Secretary of the Interior, October 10, 1850.]

"SEC. 2. *And be it further enacted*, That no officer, seaman, or marine, entitled to a pension from the navy pension fund, who receives pay from the public Treasury, shall receive more from the said fund than is sufficient to make the whole amount, received from

both the above-named sources, equal to the pay fixed by law for the grade to which the officer, seaman, or marine may belong as an officer in the services in which he may be engaged, during the year, so that no officer shall receive pay at the same time both as a pensioner and an officer in service."

[Approved, August 16, 1841.]

"*And provided, also*, That no person in the army, navy, or marine corps, shall be allowed to draw both a pension as an invalid and the pay of his rank or station in the service, unless the alleged disability for which the pension was granted be such as to have occasioned his employment in a lower grade, or in some civil branch of the service."

[Approved, April 30, 1844.]

SECTION 18. A widow's pension a vested right, and arrears to an invalid.

" 'Can the children of a widow, who was living on the 4th of July last, and was entitled to the benefits of the 3d section of the act, now draw the amount due up to the day of her death, although she failed to apply?'

"According to several opinions heretofore given in this office, especially in navy pension cases, the right of the widow under the act is to be regarded as a vested interest accruing on the passage of the law, and not defeated by the omission to apply for it; and it goes, as such, on her death, to her personal representative; there being no special provision in the law giving it a different direction.

"I am of opinion that, in all cases where the husband was in the receipt of a pension under any of the revolutionary pension acts, until the time of his death,

the pension of the widow, under the act of July 4, 1836, can only commence from the date of her husband's death. This is evidently the general principle of the law; and by this construction there will be no occasion to make deductions."

[Opinion of Attorney General, April 13, 1837.]

"The amount granted by this act vests in the widow; otherwise, where the money is undrawn, and the certificate even not issued at her death, the pension would lapse into the Treasury. There being no provision made by law for the disposition of arrears of pension, the only authority for paying them over at all, even to children, arises from the fact that the claim is a vested right. But the ordinary line of distribution of a decedent's personal estate is broken, and such direction given to the avails as would be most likely to benefit those who were dependent on the pensioner, or of his blood. Hence, where a widow has two sets of children, the arrears are to be equally divided among them all."

[Secretary of War, case of ——— Knowlton.]

"The invalid pension acts, promising a pension for future service, amount to a contract on the part of the Government, and vest an absolute right in the party whenever the disability shall occur. If, therefore, he has completed his proof, and thus become entitled, but dies before the certificate issues, his representatives may claim the arrears."

[Secretary of the Interior, case of Abigail McKindly.]

"*Question.*—Is the applicant, having ceased to be the widow, legally entitled to receive a pension for the interval between the death of her former husband and her second marriage?"

"Here is a certain right which the law says shall accrue to the widow on the happening of a certain event—that of her husband having died by reason of a wound received in the line of his duty on board of a private armed vessel. The law does not require either that an application should be made by her, or that anything else should be done in order to consummate her right. It is consummated by the mere fact of the death of her husband under the circumstances already mentioned. It is a vested right to so much money *per annum*, for five years, subject, however, to be discontinued and defeated by her death or marriage at any time within that term, but a vested and perfect right during the time that she continues to live the widow of her deceased husband; and not defeated by her subsequent intermarriage, except from the time at which such intermarriage takes place."

[Opinion of Attorney General, June 9, 1825.]

"A woman after her marriage, or rather her husband in her right, may receive that portion of the pension which grew due during her widowhood; but all the laws discontinue the pension on her marriage."

[Opinion of Attorney General, July 22, 1828.]

SECTION 19. Second marriage does not bar the right to pension for services of the first husband, nor does it bar the children from receiving the pension instead of the mother; neither does minority bar an invalid. The same is true of death by suicide, when superinduced by disease contracted in the line of duty.

"If the claimant had married a second husband, who was living July 7, 1838, and he subsequently dies, she may, since the passage of the act of August 23, 1842, claim under this act for the services of her first husband."

[Secretary of War, November 17, 1842.]

"One disabled in the service does not lose his right to a pension, although he may subsequently have been discharged from it because of his being a minor."

[Secretary of War, February 10, 1836.]

"SIR: In answer to the question proposed in the communication of the acting Commissioner of Pensions, enclosed in your letter of the 26th ultimo, I have the honor to inform you that, in my opinion, where a soldier embraced in the 1st section of the act of the 4th of July, 1836, has died, leaving a widow and children, and the widow has married before the passage of the act, the children, within the equity of the law, and by a liberal construction of its provisions, are entitled to its benefits."

[Opinion of Attorney General, August 3, 1836.]

"Suicide in a fit of insanity, superinduced by disease contracted in the line of his duty, entitles the widow to a pension."

[Secretary of the Interior, case of R. G. Cooper.]

SECTION 20. Circumstances under which disabilities are incurred that entitle to a pension and line of duty.

"Under the first clause of the 14th section of the act of March 16, 1802, the words, 'or otherwise,' import not only a disability brought on by the direct and apparent agency of accidents or inflictions from the hand of God or man, happening to a party in the immediate and obvious line of his duty, such as a sun-stroke, &c.; but if it be derivative, and plainly, though remotely, the incident and result of the military profession, it will entitle him to a pension. But if the loss of health proceeded from imprudence; much more if from vicious habits; or if his constitution were

impaired when he entered the service, he should be excluded from this charity."

[Opinion of Attorney General, April 6, 1815.]

"Every officer in full commission, and not on furlough, must be considered as in the line of his duty, although at the moment no particular and active duty may be devolved on him. Perhaps the voluntary absence of an officer from his post, too long continued, might form an exception to this rule."

[Ibid.]

"Where the disability is incurred while the party is absent from his camp or station, on business connected with the public service, it entitles him to a pension; but he would not be entitled if he was absent attending to his own private affairs."

[Opinion of Attorney General, December 20, 1833.]

"A recruit disabled after he was enlisted, but before he was mustered into service and had joined his regiment, is not entitled to pension."

[Secretary of War, October 4, 1821.]

"Pensions are allowed only for injuries received while the applicant was actually employed in the duties peculiar to him as a soldier. If he was equally liable to the same injury in private life, or if it resulted from his own fault, he is not entitled."

[Secretary of War, July 15, 1824.]

"A soldier discharged on account of a disease under which he was laboring when he enlisted, is not entitled to a pension."

[Secretary of the Interior, June 2, 1849.]

"One of our seamen, captured by the Tripolitans in 1803, on board the frigate Philadelphia, after fifteen months' rigorous captivity, made an attempt,

with five of his messmates, to recover liberty and to rejoin the American squadron, then outside the harbor of Tripoli. The attempt proved abortive; he and his companions in suffering were retaken, brought back, and punished by bastinado in the most cruel manner, the effects of which were so severe as to render one of the party ever afterwards incapable of performing duty as a seaman. I have no hesitation in expressing the opinion, that the case of the seaman now under consideration is not only within the spirit and reason of the act of April 23, 1800, but, by a fair and liberal construction, within its letter too. He was, I think, as much within *the line of his duty* when the disability occurred, as if he had been disabled in the original capture of the Philadelphia, or in a recent attempt, immediately thereafter, to escape from captivity and return to his duty. A different construction would, I think, be too narrow; would be inconsistent with the policy, as well as the liberality of the provisions, and wholly incompatible with the more expanded purposes to which this fund is expressly devoted."

[Opinion of Attorney General, April 17, 1821.]

SECTION 21. The militia of a State called into service are entitled to a pension.

"The militia of the several States are allowed pensions only under the act of April 24, 1816. This act does not embrace the armed police of a State."

[Secretary of the Interior, case of Josiah Harding.]

SECTION 22. Military cadets entitled to pension.

"Thus, I find myself brought to the conclusion that the cadets attached to the military academy at West

Point are entitled to the benefits of this provision for wounds and disabilities received in the line of their duty."

[Opinion of Attorney General, April 8, 1820.]

SECTION 23. The rights secured by act of Congress restoring a pensioner to the pension rolls.

"An invalid pensioner was dropped from the pension roll, but restored by a special act of Congress; this act simply amounted to a legislative declaration that he was entitled; and whenever any subsequent general law increases the pension to which persons of his rank were entitled, his pension is thereby increased."

[Secretary of War, case of Peter W. Short.]

SECTION 24. The powers of the Secretary in the matter of the Navy Pension Fund.

"The Navy Fund was, by the acts of April 23, 1800, and March 26, 1804, placed under the management of the Navy Board, with large discretionary powers as to the vesting of money and the admission of persons on the pension rolls. This authority has not been taken away or abridged by any subsequent act."

[Opinion of Attorney General, April 27, 1821.]

"As all the powers and duties of the Commissioner of the Navy Pension Fund have been devolved upon the Secretary of the Navy, [now of the Interior,] it rests with him to establish the circumstances under which one shall be admitted as a pensioner."

[Opinion of Attorney General, December 17, 1832.]

"The power given to the Commissioners by the act of March 26, 1804, to make such regulations as might to them appear expedient for the admission of persons

on the roll of Navy pensioners, authorized the Commissioners to fix the period at which the pension should commence, and also the principles by which the amount was to be graduated. They might have declared that the pension should begin from the time of the disability; or they might have determined that it should commence at the date of the application and exhibition of proof, if they deemed the latter period more consonant to the spirit of the law. And in the absence of any regulations on the subject, it was their province to exercise a sound discretion in this respect, in every case as it came before them.

“The Commissioners have, it seems, fixed 1828 as the time for the commencement of the pension they allowed to Captain Jones. It is immaterial whether, in deciding upon this point, the Commissioners were governed by what they considered to be the regulations; or whether, in the absence of any regulation, they exercised the discretion with which the law had clothed them. In either case, they were the competent authority to decide; and their decision is, I think, binding upon you, unless you are satisfied, by the evidence before you, that it was given under mistake of fact; and that the date of the commencement of the pension would have been fixed otherwise, but for this mistake. For example: if you are satisfied by the proof that the Commissioners took 1828 as the period for the commencement of the pension, under the impression that the first application had been made at that time, when, in fact, it had been made earlier, and had remained altogether unacted on without any fault of Captain Jones,—then it is in your power to correct the mistake, if, in your judgment,

justice to Captain Jones requires it. But whether justice to him does or does not require it, is a question exclusively for your own discretion. In the absence, however, of such proof of mistake as you may think sufficient, you cannot legally revise the decision heretofore given, either as respects the time of the commencement of the pension, or the sum allowed, so as to give your decision a retrospective operation. You may, indeed, at any time examine into the claims of the party; and, if from the evidence of increased disability, or new evidence of the extent of the disability, you believe he is entitled to a higher pension than he is then receiving, you may allow it, to the extent of the limits mentioned in the law. But the increase in such a case must be prospective, and begin from the date of your decision. It cannot be retroactive.

“An opinion was given on the 21st of December, 1832, by the present Chief Justice of the United States, as Attorney General, that the power conferred upon the Commissioners by the act of 1804 authorized them ‘to fix the period at which the pension should commence, and also the principles by which the amount was to be graduated;’ that ‘they might have declared that the pension should begin from the time of the disability, or they might have determined that it should commence at the date of the application and exhibition of proof, if they deemed the latter period more consonant to the spirit of the law;’ and ‘that in the absence of any regulations on the subject, it was their province to exercise a sound discretion in this respect in every case as it came before them.’

“This opinion, in which I fully concur, furnishes an answer to the inquiry when the pension of James Cochran shall commence.

“It rests with the Secretary of the Navy to decide according to the regulations now in force; or if there be no regulation, then to exercise a sound discretion—not an arbitrary discretion, but according to the settled course of the Department. The Secretary has undoubtedly the power to correct any erroneous course heretofore pursued by a new regulation, or by setting a new precedent to be the guide in future, or to introduce a more perfect rule, or a class of exceptions, for sufficient reasons, to any general rule. This would be but the legitimate exercise of the power to make such regulations as might to him appear expedient for the admission of persons on the roll of navy pensioners; but it would be directly repugnant to the character of the power conferred, to suppose that a power to make rules was a power to dispense with them altogether, and to substitute in their place caprice or arbitrary discretion.

“And if it has been the settled rule of the Department to decide that the pension shall commence at the time of completing the proofs, in conformity with the rules prescribed by Congress in the case of those pensioners who were disabled by known wounds received in the revolutionary war, it would certainly be very difficult for the Secretary, in the exercise of a sound discretion, at this late day to depart from it.

“The act of March 26, 1804, gives power to establish rules and regulations to be observed in the examination and adjudication of the legal claims of a class of persons to be admitted on the rolls of navy

pensioners; and does not extend to the enactment of a statute of limitations, or of any rule which would preclude any examination, and, of course, any adjudication. Such a rule would be in derogation of the act of Congress, and not an execution of it."

[Opinion of Attorney General, February 16, 1849.]

SECTION 25. Cases in which overpayment is to be retained by the Government.

"Assuming that the pension of Mrs. Gardner ought not to have been continued under the acts of 1819 and 1824, it does not follow that she is to be regarded as a debtor to the Government for the amount received under these two acts. On the contrary, I think that, inasmuch as the tribunal to whom the construction of these laws was confided by the Government decided that Mrs. Gardner was embraced by their provisions, and the pension was paid to her under that decision, she is entitled to hold the money. The interpretation then given by the competent authority having jurisdiction of the subject cannot now be revised or reversed by their successors in the same office, so as to affect the rights of those who have received pensions, although the construction then given should now be deemed erroneous. The case would be different if any mistake of fact had been committed, or the Government imposed on by false testimony.

"The act of the last session of Congress in relation to these pensions conforms in its language to the act of 1817; and Mrs. Gardner is entitled to a pension under this law. Being so entitled, she has, in my opinion, the right to receive her pension; and the money which was paid to her under the laws of 1819

and 1824 cannot be set off against it. She is not debtor to the public for what she has before received under the decision of the tribunal established by the Government to decide on her rights; and that sum cannot, therefore, be retained as a set-off against the money which, under the late law, is due to her from the public."

[Opinion of Attorney General, October 24, 1832.]

"The act for the relief of the widows and orphans of the officers, seamen, and marines of the sloop-of-war *Hornet*, fixes the 10th day of September last as the day up to which their arrears of pay should be calculated. Any moneys advanced for pay supposed to have accrued after that period were advanced by mistake, and may be recovered. The same act gives to the widows, children, parents, &c., a sum equal to six months' pay of their respective deceased relatives. Where over-pay has been advanced to the same parties entitled to this bounty, they are both debtors and creditors to the United States. In such cases, the right of retainer, by deducting the amount advanced, would seem to be allowable. But when the money was advanced to a person other than the one entitled under the provisions of the act to the bounty which it allows, such deduction cannot be permitted. Even against the right of retainer in the first place, it may be urged that Congress has provided expressly for the exercise of this right in certain cases, not including that under consideration; but it seems to me that these provisions may be considered as directory, and for the enforcement of a principle of retainer which exists independently of them."

[Opinion of Attorney General, June 4, 1830.]

SECTION 26. Pension to children to stop when they arrive at the age of sixteen years.

“The uniform practice, I understand, has been to discontinue the pension after the child had reached the age of sixteen; and although the laws do not expressly declare that it shall be so, yet the manifest policy and reason of the provision, and the uniformity of the limit of sixteen years in every act, would seem to justify the construction which has thus practically been put upon the laws, as giving the sense of Congress.”

[Opinion of Attorney General, April 5, 1836.]

SECTION 27. Rates of pension in certain cases variable.

“The law takes the half pay of the deceased officer, seaman, or marine, as the measure of his pension, so that twenty years’ pension cannot exceed twenty years’ half pay.”

[Opinion of Attorney General, July 22, 1828.]

“It may be admitted as highly probable that the act of 1835 was framed without any special regard to the pension law, and that its effect was not considered by Congress; but I cannot entirely subscribe to the opinion that pensions are to be limited to one-half the monthly pay established by the former laws. I think it very certain that Congress, in passing the act of 1835, intended to raise the *pay proper* to naval officers; and, so far as this was intended to be done, it appears to me it ought to produce a corresponding increase of the pension. The mere fact that the pay, instead of being fixed at a monthly sum, is to be paid quarterly or annually, and that it is spoken of as *annual* pay, does not, in my judgment, prevent the ap-

plication of the rule given by the law of 1817, provided it be practicable to ascertain the precise amount of *pay proper* given by the new law. The pension law of 1817 seems to have been framed with a view to meet the case of an increase in the monthly pay, as well as of differences in the amount to which the officer may be entitled, arising from other circumstances; and, therefore, expressly provides that the pension shall be, not 'one-half of the monthly pay given and established by the laws now in force,' (which is the construction adopted by the Secretary of the Navy), but 'one-half the monthly pay to which the deceased *was entitled at the time of his death.*' We are, therefore, as it seems to me, obliged to resort to the law of 1835, by which Commodore Henley's pay was regulated and fixed at the time of his death; and are not at liberty to take the amount fixed by the former law, which, as already observed, is repealed by the act of last session.

"But I am by no means prepared to say that the widow is entitled to one-half the gross sum prescribed by the act of 1835. It is obvious, from the history of this law, and from its provisions, that Congress intended to include in the gross sum fixed by it, not only a certain amount of *pay proper*, (considerably increased beyond the monthly pay given by the former law,) but also to embrace an allowance for all the *rations* but one, and for sundry other *perquisites*. And as the pension laws have never been so framed as to give any part of those rations and perquisites to the widow or children of the officer, but, on the contrary, are carefully limited to one-half of the *pay proper*, I think the pension to be allowed to Mrs.

Henley ought to be confined to one-half of so much of the annual sum of four thousand dollars as may be found to be referable to *pay proper*. The rations (over one ration per day) and the other perquisites to which an officer in the situation of Commodore Henley at the time of his death would have been entitled under the laws in force on the second of March, 1835, must be deducted from the sum of four thousand dollars; and the one-half of the residue, after such deduction, will, in my opinion, be the proper annual pension to be allowed to Mrs. Henley."

[Opinion of Attorney General, July 20, 1835.]

The decision of the Secretary of the Interior in 1835 reverses this.

SECTION 28. Proceedings in cases of land warrants obtained by fraud, and does not prejudice the legal claimant's rights.

"A warrant obtained by fraud is of no value to the holder, and I cannot, therefore, conceive any injury which can result from cancelling it. On the contrary, the fraud being fixed, I consider it the duty of the Secretary, both towards the Government and towards society, to disable the warrant from being used as an instrument of further mischief. But, since the evidence which fixes the fraud must, from the necessity of the case, be always *ex parte* in relation to the holder of the warrant, whose character as well as rights are staked on the correctness of the Secretary's decision, I submit as the better course to cancel the warrant in such a way as to incapacitate it for circulation, without rendering it illegible; noting on the warrant, in a few words, the cause of its cancellation,

and then handing it back to the person who presented it, to seek any redress to which he may be entitled before the tribunals of his country."

[Opinion of Attorney General, December 26, 1819.]

"The former warrant and patent were issued to an impostor, who personated the proper claimant."

"An imposition practised on the department ought not to prejudice an innocent person, who in no way contributed to the wrong done to the public; and I think the son and heir is entitled to a warrant for his bounty lands, notwithstanding a warrant and patent have been heretofore fraudulently obtained by another person for the same lands."

[Opinion of Attorney General, March 19, 1832.]

"The person legally entitled is not to lose his warrant because another has fraudulently obtained one upon the same service."

[Secretary of the Interior, May 16, 1849, and March 16, 1850.]

SECTION 29. Free negroes entitled to bounty land for military service.

"Had I been called on, *à priori*, to give a construction to the several acts of Congress which are the subject of Mr. Cutting's letters of the 21st May, 1821, and 30th January, 1823; of Major Charles J. Nourse's of the 20th January, 1823, and Mr. J. W. Murray's of 22d December, 1822, I should have had no hesitation in expressing the opinion that it was not the intention of Congress to incorporate negroes and people of color with the army any more than with the militia of the United States. But the acts of Congress under which this body of people of color are understood to have been raised during the late war uses no other terms of description as to the re-

cruits that: that they shall be 'effective able-bodied men'—[act 24th December, 1811, 'for completing the existing military establishment,' and act 11th January, 1812, 'to raise an additional military force,'] or 'free, effective able-bodied men,' [act December 10, 1814, 'making further provision for filling the ranks of the army of the United States.']] As either of these descriptions was satisfied by the persons of color, in question; as the recruiting officers, who were *quoad hoc* the agents of the United States, recruited these persons on a contract for the pay and bounty stipulated by law; as the officers of Government recognise them as a part of the army, by their regular returns of this corps, who received, till the close of the war, the same pay and rations with other troops, were subject to the same military law, and performed the same military services, it seems to me that a practical construction has been given to the law in this particular, from which it is not in the power of the Government justly to depart. I think, therefore, that they ought to receive the promised land bounty. But without some further and more explicit declaration of the purpose of Congress, I would not recommend a repetition of such contracts, on any future occasion, on laws worded like those under consideration—by which I mean not merely the three laws which I have cited, but the whole military system of the United States, militia included. The papers are returned."

[Opinion of Attorney General, March 27, 1823.]

SECTION 30. An election between land and scrip is final.

"The papers in the case of David Stutsman, which

you referred to me on the 23d instant, present but a single question, which is: Can a discharged soldier, who is entitled either to a certificate for bounty land or Treasury scrip under the act of the 11th February, 1847, after he has made his election of the one, and it has been issued to him, surrender the same, and take the other? I think not, under the circumstances of this case.

"It appears that the scrip was regularly issued to Stutsman on the 25th September, 1847, in pursuance of an application in writing previously made and signed by the party and subscribing witness. The evidence that he has exercised the 'option' secured to him by the second proviso in the ninth section of the act aforesaid, is full and uncontradicted. This being so, and the Commissioner of Pensions having certified that there was no error in the issuance of the scrip, the law is fully executed, and Stutsman must abide by his own decision in the premises. By that proviso the party has but one election; and when that is made known, it becomes the duty of the department to conform to it by issuing the proper evidence of the claim, which completes the proceedings."

[Opinion of Attorney General, October 30, 1847.]

SECTION 31. Who is entitled to bounty land, and what bars a claim.

"A volunteer was honorably discharged by special order of General Taylor.

"In the absence of any explanation to the contrary, it is no more than a reasonable inference that the discharge was granted at the request and for the benefit of the party receiving it. The claimant must show that he enlisted, and was regularly mustered into the

service, and that he continued in the service for twelve months, and received an honorable discharge; or else that he was discharged on account of wounds received or sickness incurred in the course of his service, before he can claim under the act of 1847."

[Opinion of Attorney General, March 17, 1848.]

"A soldier discharged in consequence of a disease he was laboring under when he enlisted, is not entitled to land bounty."

[Secretary of the Interior, June 2, 1849.]

"A volunteer not mustered into service with his company, but regularly mustered out with it, is entitled."

[Secretary of the Interior, November 12, 1849.]

"It appears that the act of March 16, 1802, gives a pension to the soldier 'who shall be disabled by wounds, or otherwise, while in the line of his duty in public service.' The act of February 11, 1847, giving bounty land to soldiers, does not follow the language of the above act. It gives the bounty land to soldiers who, having served to the end of the war, shall receive an honorable discharge, or who may be discharged in consequence of wounds received 'in the course of such service, or to the heirs of such as shall have been killed, or died of wounds received, or sickness incurred *in the course of such service*,' omitting the restrictive words '*in the line of his duty*.'"

"This change of phraseology cannot be presumed to be accidental. It was doubtless intended to save all inquiry as to the manner in which wounds were received, diseases contracted, or death occasioned, provided it was in the course of the service—that is, while the soldier was in the service and subject to

duty. This construction is the more reasonable as it is for the enlistment and service, and not for the wounds, disease, or death that the bounty is given. The soldier undertook on his part to serve to the end of the war, if he were able to do so, and the Government undertook to give him the bounty land if he so served, and if he became unable to serve by reason of wounds received, disease incurred, or if he shall be killed in the course of his service. This soldier had served through the war; he had earned his land, was waiting for his discharge when he was killed in an affray. His death rendered his discharge impossible, and it is a substitute for it. His heirs, on full proof, are entitled to the bounty land."

[Secretary of the Interior, February 28, 1850.]

"A soldier discharged before his term expires, in order that he may re-enlist, is entitled."

[Secretary of War, July 24, 1847.]

"A company raised for twelve months, stationed in Iowa, but discharged before the expiration of the period for which it was enlisted, on the recommendation of a general officer, is entitled."

[Secretary of War, February 7, 1849.]

"Clerks employed in the Quartermaster's Department in Mexico are not entitled, unless they were regularly mustered into service.

[Secretary of the Interior, case of A. C. Wakeman.]

"Where the rolls show an enlistment for five years, but the soldier is discharged on *habeas corpus* on the ground that he enlisted only for the war, the judicial opinion is to govern, unless fraud be shown, and the party is entitled to his land."

[Secretary of the Interior, August 18, 1849.]

"I have to inform you that where any portion of the marine corps in the several wars referred to in the act of the 28th September, 1850, were embodied with the army in the field, and performed service as a portion of the line of the army, they are entitled to the benefit of the aforesaid act."

[Secretary of the Interior, October 12, 1850.]

"It has also been decided, that although not expressly provided by the terms of the law, yet its tenor throughout contemplates that the same person shall not receive more than one warrant, although he may have performed service which, if rendered by several individuals, would entitle each to a warrant."

[Secretary of the Interior, October 12, 1850.]

"If a soldier served longer than is sufficient to entitle him to forty acres, he may agglomerate all the time of his several services, and receive a land warrant for the aggregate."

"The second marriage of the widow deprives her of the benefit of the act, unless she was a widow at the time of the passage of the law, and of her application for the land bounty."

[Secretary of the Interior, October 26, 1850.]

"Troops called out by a proclamation of the President of the United States, but not mustered into service, are not entitled."

[Secretary of the Interior, February 3, 1851.]

"The Winnebago disturbances in 1827 did not amount to such a state of war as to authorize bounty land to the soldiers engaged in their suppression."

[Secretary of the Interior, May 23, 1853.]

"Widows of soldiers who themselves received

bounty land for services in the war of 1812 are not entitled."

[Case of Mary Ballard, decided November 10, 1853.]

"A warrant which issues after the death of the soldier in whose name it is granted should be cancelled. If he left a widow, a new one will issue to her; if no widow, then to his minor children; if neither widow nor minor child, the warrant lapses to the Government."

[Secretary of the Interior, December 27, 1851.]

'The substitute, and not the employer, is entitled.'

[Secretary of the Interior.]

APPENDIX A.

NOTE.—This Appendix is prepared in conformity with the original design of both compiler and publishers, to furnish full and complete information as to all laws, instructions, and forms in force and use at all times, relative to pensions, bounties, bounty land, and all other matters connected therewith, in both Army and Navy. When any changes in the old or new instructions or laws are made, or new forms prescribed, or old ones changed, they will be inserted in additional appendixes. In this way it is hoped this book may be made permanently useful, as well as acceptable, to all who may have occasion to refer to such a work.

The compiler is gratified with the favorable reception bestowed on the first issue of this book, and the publishers encouraged by its sale to continue their efforts in the same direction. It is hoped this Appendix will still further enhance its value, and secure a still greater sale. We claim nothing except on the score of merit.

DEPARTMENTS OF THE GOVERNMENT.

1.—EXECUTIVE DEPARTMENT.

1. "THE PRESIDENT shall be Commander-in-chief of the Army and Navy of the United States, and of the Militia of the several States, when called into service; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. "He shall have power, by and with the advice and consent of the Senate, to make treaties—provided two-thirds of the Senators concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointment are not otherwise provided for, and which shall be established by law.

3. "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

"The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes or misdemeanors."

2.—DEPARTMENT OF STATE.

THE SECRETARY OF STATE is aided by an Assistant Secretary, and Chief Clerk; the latter, as his title imports, supervises the labors of all the clerks of the department.

THE DIPLOMATIC BRANCH has charge of all correspondence between the department and other diplomatic agents of the United States abroad, and those of foreign powers accredited to this government.

THE CONSULAR BRANCH has charge of the correspondence, etc., between the department and the consuls and commercial agents of the United States.

THE DISBURSING AGENT has charge of all matters connected with accounts relating to any fund disbursed by the department.

THE TRANSLATOR furnishes such translations as the department may require, and records the commissions of consuls and vice-consuls, when not in English, upon which exequaturs are issued.

THE CLERK OF APPOINTMENTS AND COMMISSIONS makes out and records commissions, letters of appointment, nominations to the Senate, exequaturs, and records, when in English, the commission, on which they are issued; has charge of the library.

THE CLERK OF ROLLS AND ARCHIVES takes charge of the enrolled acts and resolutions of Congress as they are received from the President; prepares authenticated copies thereof; superintends their publication, and that of treaties; attends to their distribution, and that of all documents and publications in regard to which this duty is assigned to the department; writing and answering all letters connected therewith; has charge of all Indian treaties, and business relating thereto.

THE CLERK OF AUTHENTICATIONS has charge of the seals of the United States and of the department, and prepares and attaches certificates to papers presented for authentication; receives and accounts for the fees; records all letters from the department, other than diplomatic and consular.

THE CLERK OF PARDONS AND PASSPORTS prepares and records pardons and remissions; and registers and files the papers on which they are founded, and makes out and records passports.

3.—TREASURY DEPARTMENT.

THE SECRETARY'S OFFICE.—The Secretary of the Treasury, aided by an Assistant Secretary, is charged with the general supervision of the fiscal transactions of the government, and the execution of the laws concerning commerce and navigation; the survey of the coast; the light-house establishment; the marine hospitals of the United States, and the construction of certain public buildings for custom-houses and other purposes.

THE FIRST COMPTROLLER prescribes the mode of keeping and

rendering accounts for the civil and diplomatic service, as well as the public lands, and revises and certifies the balances arising thereon.

THE SECOND COMPTROLLER prescribes the mode of keeping and rendering the accounts of the army, navy, and Indian departments of the public service, and revises and certifies the balances arising thereon.

THE COMMISSIONER OF THE CUSTOMS prescribes the mode of keeping and rendering the account of the customs revenue and disbursements, and for the building and repairing custom-houses, etc., and revises and certifies the balances arising thereon.

THE FIRST AUDITOR receives and adjusts the accounts of the customs revenue and disbursements, appropriations and expenditures on account of the civil list and under private acts of Congress, and reports the balances to the Commissioner of the Customs and the First Comptroller, respectively, for their decision thereon.

THE SECOND AUDITOR receives and adjusts all accounts relating to the pay, clothing, and recruiting of the army, as well as the armories, arsenals, and ordnance, and all accounts relating to the Indian department, and reports the balances to the Second Comptroller for his decision thereon.

THE THIRD AUDITOR receives and adjusts all accounts for subsistence of the army, fortifications, military academy, military roads, and the quartermaster's department, pension claims arising from military services, and for horses and other property lost in the military service, and reports the balances to the Second Comptroller for his decision thereon.

THE FOURTH AUDITOR adjusts all accounts for the service of the Navy Department, navy pensions, and reports the balances to the Second Comptroller for his decision thereon.

THE FIFTH AUDITOR adjusts all accounts for diplomatic and similar services performed under the direction of the State Department, and reports the balances to the First Comptroller for his decision thereon.

THE SIXTH AUDITOR adjusts all accounts arising from the service of the Post Office Department. His decisions are final, unless an appeal be taken in twelve months to the First Comptroller. He superintends the collection of all debts due the Post Office Department, and all penalties imposed on postmasters and mail contractors for failing to do their duty; he directs suits and legal proceedings, civil and criminal, and takes legal measures to enforce the prompt payment of moneys due to the department; instructing attorneys, marshals, and clerks relative thereto; and receives returns from each term of the United States courts of the condition and progress of such suits and legal proceedings; has charge of all lands and other property assigned to the United States in payment of debts due the Post Office Department, and has power to sell and dispose of the same for the benefit of the United States.

THE TREASURER receives and keeps the moneys of the United

States in his own office and that of the depositories, and pays out the same upon warrants drawn by the Secretary of the Treasury, countersigned by the First Comptroller, and upon warrants drawn by the Postmaster General, and countersigned by the Sixth Auditor, and recorded by the register. He also holds public moneys advanced by warrant to disbursing officers, and pays out the same upon their checks.

THE REGISTER keeps the accounts of public receipts and expenditures; receives the returns and makes out the official statement of commerce and navigation of the United States; and receives from the First Comptroller and Commissioner of Customs all accounts and vouchers decided by them, and is charged by law with their safe keeping.

THE SOLICITOR superintends all civil suits commenced by the United States (*except those arising in the Post Office Department*), and instructs the United States attorneys, marshals, and clerks in all matters relating to them and their results. He receives returns from each term of the United States courts, showing the progress and condition of such suits; has charge of all lands and other property assigned to the United States in payment of debts (*except those assigned in payment of debts due the Post Office Department*), and has power to sell and dispose of the same for the benefit of the United States.

COMMISSIONER OF REVENUE.—This is a new office, created by act of Congress, approved July 1, 1862. "The Commissioner is charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same, or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes which may be necessary to carry this act into effect."

THE LIGHT-HOUSE BOARD.—The Secretary of the Treasury is *ex officio* president of this board. Has charge of maintenance and support of all the light-houses, light-vessels, buoys, etc.; directs building, repairs, etc., of the same; procures supplies and fixtures of all kinds required for the service.

THE SUPERINTENDENT OF THE COAST SURVEY has charge of the survey of the Atlantic, Gulf, and Pacific coasts and tributaries of the United States, and the publication and distribution of charts of the same. He is also superintendent of *Weights and Measures*, having charge of the duty of constructing and distributing sets of standard weights and measures of the United States.

4.—DEPARTMENT OF THE INTERIOR.

THE SECRETARY OF THE INTERIOR, aided by an Assistant, has the supervision and management of the following branches of the public service:

1st. **THE PUBLIC LANDS.**—Its head is the Commissioner of the General Land Office. The Land Bureau is charged with the survey, management, and sale of the public domain; the revision of Virginia military bounty-land claims, and the issuing of scrip in lieu thereof.

2d. **PENSIONS.**—The Commissioner is charged with the examination and adjudication of all claims arising under the various and numerous laws passed by Congress granting bounty-land or pensions for the military or naval service in the revolutionary and subsequent wars.

3d. **THE INDIAN OFFICE** has charge of all matters connected with the Indians, superintending agencies, paying annuities, etc.

4th. **THE PATENT OFFICE** is charged with the performance of all "acts and things touching and respecting the granting and issuing of Patents for new and useful discoveries, inventions, and improvements."

The Department of the Interior has, beside the supervision of the accounts of the United States marshals and attorneys, the clerks of the United States courts, the management of the lead and other mines of the United States; the affairs of the penitentiary of the United States in the District of Columbia; the taking and returning of the decimal Census of the United States, and of supervising and directing the acts of the Commissioner of Public Buildings; the management of the hospital for the insane of the army and navy and of the District of Columbia, and the charge of publications transmitted to the department under the laws relating to copyrights, records and indexes, titles, etc. It also has charge of the suppression of the African slave trade, and of the emigration of freed slaves.

5.—WAR DEPARTMENT.

THE SECRETARY OF WAR, aided by three Assistant Secretaries, has charge of all the duties connected with the army of the United States, fortifications, etc., and the execution of the laws relating thereto, under the general direction of the President.

The following Bureaus are attached to this department:

COMMANDING GENERAL'S OFFICE.—This office, at the head of which is Major General HALLECK, is at Washington, D. C.

ADJUTANT GENERAL'S DEPARTMENT.—In this office are kept all the records which refer to the *personnel* of the army, the rolls, etc. It is here where all military commissions are made out. The Judge Advocate General is also connected with it.

The other Bureaus or Departments consist of—

THE QUARTERMASTER'S DEPARTMENT; SUBSISTENCE DEPARTMENT; MEDICAL DEPARTMENT; PAY DEPARTMENT; CORPS OF ENGINEERS; CORPS OF TOPOGRAPHICAL ENGINEERS; and the ORDNANCE DEPARTMENT.

PROVOST MARSHAL GENERAL OF THE WAR DEPARTMENT.—This office, at the head of which is Provost Marshal General SIMEON

DRAPER, is at Washington, with a branch office at 36 Pine street, New York. He has the immediate supervision, control, and management of the Corps, there being one or more special Provost Marshals in each State.

6.—NAVY DEPARTMENT.

SECRETARY'S OFFICE.—The Secretary of the Navy, aided by an Assistant Secretary, has charge of everything connected with the naval establishment, and the execution of laws relating thereto, under the general direction of the President. All instructions to commanders of squadrons, and commanders of vessels; all orders of officers, commissions of officers, both in the Navy and Marine Corps; appointments of commissioned and warrant officers; orders for the enlistment and discharge of seamen, emanate from the Secretary's office. All the duties of the different bureaus are performed under the authority of the Secretary, and the orders are considered as emanating from him. The National Observatory at Washington is also under the control of this Department.

THE BUREAU OF NAVY YARDS AND DOCKS has charge of all the navy yards, docks, and wharves, buildings, and machinery in navy yards, and everything immediately connected with them. It is also charged with the management of the Naval Asylum.

THE BUREAU OF EQUIPMENT AND RECRUITING has charge of providing all vessels with their equipments, as sails, anchors, water-tanks, etc.; also, charge of the recruiting service.

THE BUREAU OF CONSTRUCTION AND REPAIR.—It has charge of the building and repairs of all vessels of war, purchase of material, etc.

THE BUREAU OF STEAM ENGINEERING has charge of the construction, repair, etc., of the machinery of steam vessels of war. The Engineer-in-chief superintends the construction of all marine steam-engines for the navy, and, with the approval of the Secretary, decides upon plans for their construction.

THE BUREAU OF ORDNANCE AND HYDROGRAPHY has charge of all ordnance and ordnance stores; the manufacture or purchase of cannon, guns, powder, shot, shells, etc., and the equipment of vessels of war, with everything connected therewith. It also provides them with maps, charts, chronometers, barometers, etc., together with such books as are furnished ships-of-war. "The United States Naval Observatory and Hydrographical Office" at Washington, and the Naval Academy at Newport, are also under the general superintendence of the chief of this bureau.

THE BUREAU OF PROVISIONS AND CLOTHING contracts for all provisions for the use of the navy, and clothing.

THE BUREAU OF MEDICINE AND SURGERY manages everything relating to medicines and medical stores, treatment of sick and wounded, and management of hospitals.

7.—ATTORNEY GENERAL'S OFFICE.

The ordinary business of this office may be classified under the following heads:

1. The official opinions on the current business of the Government, as called for by the President, by any head of department, or by the Solicitor of the Treasury.

2. Examination of the titles of all land purchased, as the sites of arsenals, custom-houses, light-houses, and all other public works of the United States.

3. Applications for pardons in all cases of conviction in the courts of the United States.

4. Applications for appointment in all the judicial and legal business of the Government.

5. The conduct and argument of all suits in the Supreme Court of the United States in which the Government is concerned.

6. The supervision of all other suits arising in any of the departments when referred by the head thereof to the Attorney General.

To these ordinary heads of the business of the office is added, at the present time, the direction of all appeals on land claims in California.

8.—POST OFFICE DEPARTMENT.

The management of the Post Office Department is assigned by the Constitution and laws to the Postmaster-General.

APPOINTMENT OFFICE, at the head of which is the First Assistant Postmaster General, attends to the establishment and continuance of post offices, changes of sites and names, appointment and removal of postmasters, and route and local agents, and the giving of instructions to postmasters. It provides them with marking and rating stamps and letter balances. It provides blanks and stationery for the use of the department, and superintends the several agencies established for supplying postmasters with blanks. It has the supervision of the ocean mail steamship lines, and of the foreign and international postal arrangements.

THE CONTRACT OFFICE, at the head of which is the Second Assistant Postmaster General, arranges the mail service, and places the same under contract; corresponds and acts respecting the trips, conveyance, departures, and arrivals on all the routes, the course of the mail between the different sections of the country, the points of distribution, and the regulations for the government of the domestic mail service. It prepares the advertisements, receives the bids, and takes charge of the annual and occasional mail lettings, the adjustment and execution of the contracts; applications for the establishment or alteration of mail arrangement, and the appointment of mail messengers. All claims for transportation service not under contract are to be recognized by the Contract Office, as authority for the proper credits, at the Auditor's Office. Postmasters at the ends of routes

receive from it the statement of mail arrangements prescribed for the respective routes. It reports weekly to the Auditor all contracts executed and all orders affecting accounts for mail transportation; prepares the statistical exhibits of the mail service, and the reports of the mail lettings, giving a statement of each bid; also, of the contracts made, the new service originated, the curtailments ordered, and the additional allowances granted within the year.

THE FINANCE OFFICE, the head of which is the Third Assistant Postmaster General, supervises the financial business of the department, not devolved by law upon the Auditor, embracing accounts with the draft officers and other depositories of the department, the issuing of warrants and drafts in payment of balances reported by the Auditor to be due to mail contractors and other persons; the supervision of the accounts of officers under order to deposit their quarterly balances at designated points, and the superintendence of the rendition by postmasters of their quarterly returns of postages. It has charge of the dead-letter office, of the issuing of postage stamps and stamped envelopes for the pre-payment of postage, and of the accounts connected therewith.

To the Third Assistant Postmaster-General, all postmasters should direct their quarterly returns of postage; those at draft offices their letters reporting quarterly the net proceeds of their offices; and those at depositing offices, their certificates of deposits; to him should also be directed the weekly and monthly returns of the depositories of the department; as well as all applications and receipts for postage stamps and stamped envelopes, and for dead letters.

To the INSPECTION OFFICE, the head of which is the Chief Clerk, is assigned the duty of receiving and examining the registers of the arrivals and departures of the mails, certificates of the service of route agents and reports of mail failures; of noting the delinquencies of contractors, and preparing cases thereon for the action of the Postmaster General; furnishing blanks for mail registers, and reports of mail failures; providing and sending out mail bags and mail locks and keys; the suppression of all cases of mail depredation, of violation of law by private expresses, or by the forging or illegal use of postage stamps.

9.—DEPARTMENT OF AGRICULTURE.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established at the seat of government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with Agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.*

SEC. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a "Commissioner of Agriculture," who shall be the chief executive officer of the Department of Agriculture, who shall hold his office by a tenure similar to that of other civil officers appointed by the President, and who shall receive for his compensation a salary of three thousand dollars per annum.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Commissioner of Agriculture to acquire and preserve in his department all information concerning agriculture which he can obtain by means of books and correspondence and by practical and scientific experiments (accurate records of which experiments shall be kept in his office,) by the collection of statistics and by any other appropriate means within his power; to collect, as he may be able, new and valuable seeds and plants; to test, by cultivation, the value of such of them as may require such tests; to propagate such as may be worthy of propagation, and to distribute them among agriculturists. He shall annually make a general report in writing of his acts to the President and to Congress, in which he may recommend the publication of papers forming parts of or accompanying his report, which report shall also contain an account of all moneys received and expended by him. He shall also make special reports on particular subjects whenever required to do so by the President or either house of Congress, or when he shall think the subject in his charge requires it. He shall receive and have charge of all the property of the agricultural division of the Patent Office in the Department of the Interior, including the fixtures and property of the propagating garden. He shall direct and superintend the expenditure of all money appropriated by Congress to the department, and render accounts thereof, and also of all money heretofore appropriated for agriculture and remaining unexpended. And said commissioner may send and receive through the mails, free of charge, all communications and other matter pertaining to the business of his department, not exceeding in weight thirty-two ounces.

SEC. 4. Defines the duties of the Chief Clerk, and such other assistants as shall be appointed to carry this act into effect.

APPROVED, May 15, 1862.

L A W S .

Extracts from the laws of July 29, 1846, and February 26, 1853.

By the act of Congress approved July 29, 1846, entitled "An act in relation to the payment of claims," it is provided "that whenever a claim on the United

States aforesaid shall hereafter have been allowed by a resolution or act of Congress, and thereby directed to be paid, the money shall not, nor shall any part thereof, be paid to any person or persons other than the claimant or claimants, his or their executor or executors, administrator or administrators, unless such person or persons shall produce to the proper disbursing officer a warrant of attorney executed by such claimant or claimants, executor or executors, administrator or administrators, *after* the enactment of the resolution or act allowing the claim; and every such warrant of attorney shall refer to such resolution or act, and expressly recite the amount allowed thereby, and shall be attested by two competent witnesses, and be acknowledged by the person or persons executing it before an officer having authority to take the acknowledgment of deeds, who shall certify such acknowledgment; and it shall appear by such certificate that such officer, at the time of the making of such acknowledgment, read and fully explained such warrant of attorney to the person or persons acknowledging the same."

And by the act approved February 26, 1853, entitled "An act to prevent frauds upon the Treasury of the United States," it is further provided:

"SECTION 1. That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the

same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof."

"SECTION 7. That the provisions of this act, and of the act of July 29, 1846, entitled 'An act in relation to the payment of claims,' shall apply and extend to all claims against the United States, whether allowed by special acts of Congress, or arising under general laws or treaties, or in any other manner whatever."

PRIZE CASES.

. APPROVED MARCH 3, 1863.

An Act to regulate proceedings in Prize Cases, and to amend various Acts of Congress in relation thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any prize property shall be condemned in any district or circuit court, or shall at any stage of the proceedings be found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same shall be disproportionate to its value, or whenever all the parties in interest who have appeared in the case shall agree thereto, it shall be the duty of the court to order a sale thereof, and no appeal shall operate to prevent the making or execution of such order. And upon any sale, it shall be the duty of the marshal forthwith to deposit the gross proceeds

of the sale with the assistant treasurer of the United States nearest to the place of sale, and subject to the order of the court in the particular case; and the court may at any time order the payment from such deposit of the expenses and disbursements necessarily incurred in the custody, preservation, and sale of said property, audited and allowed by the court in the manner provided by law. And when a decree of condemnation shall be made in any cause, the court may, in like manner, order the payment from said deposit of the costs, fees, and charges decreed in the cause. And on a final decree of distribution, after the payment of such costs, fees, and expenses, the residue of the deposit shall, by order of the court, be paid into the Treasury of the United States for distribution according to the decree. And the clerk of the court shall forthwith transmit to the Secretary of the Treasury and the Secretary of the Navy certified copies of said final decree of distribution; and in case the final decree shall be for restitution without costs, the costs, fees, and disbursements allowed by the court and unpaid shall be a charge upon the fund for defraying the expenses of suits in which the United States is a party or interested. And the Treasury Department shall credit the Navy Department with the amount held for distribution; and the several officers, marines, sailors, and other persons in the naval service entitled to share in the prize money, shall be credited in their accounts with the Navy Department with the amount to which they are respectively entitled.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy or the Secretary of War shall be

and they or either of them are hereby authorized to take any captured vessel, any arms or munitions of war, or other material, for the use of the Government; and when the same shall have been taken, before being sent in for adjudication, or afterwards, the department for whose use it was taken shall deposit the value of the same in the Treasury of the United States, subject to the order of the court in which prize proceeding shall be taken in the case; and when there is a final decree of distribution in the prize court, or if no proceedings in prize shall be taken, the money shall be credited to the Navy Department, to be distributed according to law.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy shall employ an auctioneer or auctioneers, of established reputation in that branch of merchandise, to make sales of all prize goods, under the direction of the marshal of the district in which the property shall be ordered to be sold, and at a rate of compensation not to exceed in any case one and one-fourth per centum upon the gross amount of the sales; and such sales shall be advertised in the fullest and most conspicuous manner, and to the satisfaction of the Secretary of the Navy; and any fraud, collusion, or combination, or any act or fraudulent device or contrivance in the sale and disposition of any prize property, by which the captors or the Government are or may be defrauded, shall be, and is hereby, declared to be a felony; and any public officer or agent, or any other person engaged therein, upon conviction thereof by or before any court of competent jurisdiction, shall be liable to a fine not exceeding twenty thousand dollars, and to imprisonment

not exceeding ten years, or to both, in the discretion of the court.

SEC. 4. *And be it further enacted*, That the third section of the act of twenty-fifth March, eighteen hundred and sixty-two, entitled "An act to facilitate evidence and proceedings in and adjudications upon captured property of prize," be, and the same is hereby, amended, so that the compensation of counsel to the captors to be adjusted and determined by the court, and paid and allowed as costs, shall be confined to compensation for such services as may be rendered necessary by reason of the captors having interests conflicting with those of the United States, and proper in the opinion of the court to be represented by separate counsel from those representing the United States. And so much of the twelfth section of the act of July seventeen, eighteen hundred and sixty-two, entitled "An act for the better government of the navy of the United States," as authorizes the Secretary of the Navy to employ an agent or counsel for the captors and to fix his compensation, is hereby repealed.

SEC. 5. *And be it further enacted*, That the commissioners in prize shall not exceed two in any district of the courts of the United States, to be appointed by the district court of each district, one of whom shall be a retired naval officer, to be appointed by the court and approved by the Secretary of the Navy; and the annual salaries in each district of both commissioners shall not exceed six thousand dollars; and all counsel fees in prize cases in the Supreme Court of the United States, which have been or may be incurred or authorized by any department of the Gov-

ernment, shall be audited and allowed by the Attorney General and solicitor of the treasury, and shall be a charge upon and paid out of the fund appropriated for defraying the expenses of suits in which the United States are parties or interested.

SEC. 6. *And be it further enacted*, That when the court shall allow witnesses' fees to any witness in a prize cause, and the court has no money subject to its order in the cause, the same shall be paid by the marshal as in the case of witnesses in causes in which the United States is a party, and shall be repaid from any money deposited to the order of the court in said cause.

SEC. 7. *And be it further enacted*, That appeals from the district courts of the United States in prize causes shall be directly to the Supreme Court, and shall be made within thirty days of the rendering of the decree appealed from, unless the court shall previously have extended the time for cause shown in the particular case; and the Supreme Court shall always be open for the entry of such appeals. Such appeals may be claimed whenever the amount in controversy exceeds two thousand dollars, and in other cases on the certificate of the district judge that the adjudication involves a question of difficulty and general importance.

SEC. 8. *And be it further enacted*, That all provisions of law which are inconsistent with those of this act shall be and are hereby repealed.

REGULATIONS

*For the payment of Prize Money under the act of Congress approved
March 3, 1863.*

There are three classes of persons who are claimants and who are entitled to prize money, namely: 1st, Persons who, at the time of presenting their claims, are in service on board of United States vessels of war; 2d, Persons who have been discharged from the service; and, 3d, Representatives or heirs of officers, marines, and seamen deceased.

1st. PERSONS IN THE SERVICE.

The law approved March 3, 1863, relative to prize money, enacts that "The Treasury Department shall credit the Navy Department with the amount held for distribution, and the several officers, marines, sailors, and other persons in the naval service entitled to share in the prize money, shall be credited in their accounts with the Navy Department with the amount to which they are respectively entitled." To insure a prompt compliance with this law, it will be indispensable that the Commander of every vessel of war having officers or men on board entitled to or claiming an award of prize money, transmit to the Fourth Auditor of the Treasury, as early as practicable, a complete list of the officers and men claiming and entitled to prize money for the capture of any vessel by a United States vessel of war, or other, on which such officer, marine, or sailor may have served at the time of such capture. These lists will be quite distinct from those required for the classification and distribution of prize money. Here the object is to

enable the Paymaster to pay the claim promptly, while he, the Paymaster, conjointly with the Commanding Officer, authenticates the identity of each claimant. The copy of a Report of Prize Cases sent to Congress March 11, 1863, and furnished to officers in command of United States ships, will indicate the name and number of prizes previous to that date; and the transfer rolls from other vessels, with the date of transfer, and the knowledge of each other by the persons transferred, will enable the Commander and Paymaster of each vessel to secure a safe identity. The identity being secured, a list of claimants will be forwarded to this office, preserving a space following each name for insertion of the amount due to each, as revised by the Second Comptroller; a space for signature or mark; and a space for signature of witness, as is usual on pay rolls; and upon the return of this list to the Paymaster, with the amounts inserted, he will be authorized to make immediate payment to the persons interested, and to take up the same on his quarterly accounts under its proper head. The forwarding of such lists to the Fourth Auditor will be considered a good guarantee of identity, and the return of the lists will be good authority for the payment of the claims. Officers on leave or waiting orders will be guided by the same rule. They will report to the Paymaster upon whose books they are registered, and will receive their prize money as if they were serving on shipboard.

2d. PERSONS OUT OF THE SERVICE

Must furnish proof of identity before payment is made, in the following manner:

Form of Oath of Identity of a petty officer, seaman, ordinary seaman, landsman, boy, or marine, entitled to prize money.

I, _____, do solemnly swear that I am the identical _____ who served by that name as a _____ on board the United States ship _____, in the year _____, when she captured the prize _____, and who is named in the certificate of discharge dated _____, 186—, signed by _____, which is herewith presented and surrendered; [or if his discharge be lost, or otherwise disposed of, the facts and circumstances accounting for it must be sworn to, that he has made diligent search or application for it, and that it cannot be recovered or obtained.] I also solemnly swear that I am now _____ years of age, am a native of _____; that I enlisted at [name the place, or port, rendezvous, or vessel] on or about the _____ day of _____, 18—, in the grade of _____; that my ship's number was _____. I also solemnly swear that I have not made any previous assignment of, or application for, the prize money now claimed by me; [or if he has, state when, where, and to whom;] and further, that I now reside at _____, and am employed as _____.

(Signed by claimant.) _____

_____, *Witness.*

_____, *Witness.*

Sworn to and subscribed before me, this _____ day of _____, A. D. 186—. And I certify that, to my knowledge, the statement of deponent in regard to his residence and employment is true, my knowledge of deponent being derived from [state whether from personal acquaintance, or otherwise;] and I also certify that the above named deponent appears to be about the age stated by him; that he is about _____ feet _____ inches in height, of _____ complexion, _____ hair, and _____ eyes.

(To be signed by some public officer duly }
authorized to administer oaths.) }

To establish Identity.

A certificate of identity, by a commissioned or warrant officer of the Navy, will be required in all cases, in the following form:

I certify, that the signature to the foregoing oath of identity, is witnessed by me; that it was signed in my presence by ———, who is well known to me as the identical person who served by that name on board the United States ship ———, when she captured the ———.

(Signed)

_____,
United States Navy.

If the discharge, or a certified copy thereof, be furnished, and the certificate of some non-commissioned or warrant officer cannot be obtained, the claimant will so state on oath, giving the reasons, and the affidavit of two credible and disinterested witnesses will be required instead, as follows:

Form of Affidavit of two Witnesses.

STATE OF ———, }
County of ———, } ss:

On this ——— day of ———, 186—, before me, a ——— in and for the State and county aforesaid, duly qualified to administer oaths, personally appeared ———, residing at ———, and employed as ———, and also ———, residing at ———, and employed as ———, who are known to me as credible witnesses, residing and employed as stated, and who, being duly sworn, depose and say, that they reside and are employed as aforesaid; that they have a personal knowledge of ———, who signed the foregoing receipts [or power of attorney, as the case may be] in their presence, and that he is the identical ——— who served on board the United States ship ——— as a ———, from ——— to ———, and who is named in the discharge dated ———, and signed by ———, which he affixed, in their presence, to this original receipt; that their knowledge of him was obtained [here state fully how obtained. If they served on the ship at the same time, they will give their rate, ship's number, and if more than one of the same name was on the ship, their numerical designation, as John Smith 1st.] And they further depose that they have no interest in the claim of the said ——— for prize money.

Sworn to and subscribed the day and year above written, before me.

(To be signed by authenticating officer.)

Official seals must be impressed upon the paper attested, and not merely pasted upon the instrument.

Applications for prize money will be made to the Fourth Auditor of the Treasury Department. Any person entitled to prize money, who is ignorant of the amount, may be furnished by the Fourth Auditor with a statement of the sum due to each, provided that each shall first file with said Auditor his oath of identity, and, if out of service, his discharge; but if he have not his discharge, he must account satisfactorily for its absence.

3d. PERSONS DECEASED.

Payments of amounts due deceased officers, seamen, and marines will be made to administrators, who are heirs, or appointed with the consent of heirs.

Heirship may be established by the fact being inserted in the letters of administration, and additionally proven by the affidavits of two disinterested persons, taken before an officer duly empowered to administer oaths.

When the amount due does not exceed the sum of one hundred dollars, letters of administration will be dispensed with, and the prescribed affidavits substituted. The widow, if she be the applicant, should render a certified copy of her marriage certificate.

If the heirs be minors, guardians should be appointed.

Payment of an amount claimed under a will, will be only made after satisfactory proof of the will is produced to the accounting officer. Wills of persons in actual service must be in writing, and attested by an officer of the navy.

As letters of administration appear to be obtained with extreme facility, and as administrators are fraudulently applying as legal representatives of persons who are alive, great caution will be exercised in administration cases; and, if need be, additional proof of death, &c., will be required, though the letters of administration may be granted in due form. The amount of the penalty of the administrator's bond should be stated, and payment will not be made unless it is double the amount of the claim. The administrator, in his oath of identity, is required to describe the person of decedent he represents; that is, his age, height, complexion, color of eyes and hair; stating whether his knowledge was derived from personal acquaintance, or from the information of others.

In accordance with the letter and spirit of the laws of the United States, the accounting officers have determined that the sums of money found to be due shall be paid, in all cases, to the proper parties interested, in preference to attorneys.

Form of Oath of Identity by Executor, Administrator, &c.

I, _____, of _____, in the county of _____, State of _____, depose and say, that I am the identical _____, named in the accompanying letters of administration [or letters testamentary, or copy of letters, &c., as the case may be] on the estate of _____, deceased, and that said letters are unrevoked and now in full force and effect; that the said _____ was, at the time of his death, a legal resident of _____, county of _____, State of _____, and that he was the identical person who served by that name on board the United States ship _____, when she captured the prize _____, in the year _____, who is named in the certificate of discharge herewith surrendered, and who died [state where he died and whether he was in the service of the United

States or not at the time of his death] on or about the — day of —, 18—, and to whose estate prize money is due under the provisions of the act of Congress of July 17, 1862, and for which prize money I now apply as his legal representative. And I further swear that the said — was a native of —; was — years of age; that he was about — feet — inches in height; of — complexion, — hair, and — eyes; and that he entered the naval service at —, on or about the — day of —, 18—. [State whether these facts were matters of personal knowledge to the deponent, or were derived from others. If the discharge be not produced, he must depose to having made due search for it among the effects of the decedent, and to any facts in reference to the disposition of it within his knowledge. State also the name and residence of each heir deceased left at the time of his death.]

(Administrator or Executor.)

STATE OF —, }
County of —, } ss:

Personally appeared before me, a — in and for the State and county aforesaid, duly qualified to administer oaths, —, who signed the foregoing deposition in my presence, and made oath to the truth of the same.

And I certify that I know the said deponent to be the administrator named in the accompanying letters of administration.

Witness my hand this — day of —, A. D. 186—.

(Justice of the Peace or other Magistrate.)

If an executor or administrator desires to be paid through a third party, he will execute a power of attorney and acknowledgment of the same according to the forms heretofore prescribed, making the necessary changes.

WM. W. DANENHOWER,

Fourth Auditor ad int.

May 8, 1863.

APPROVED:

JOHN H. HOUSTON,

Acting Comptroller.

MISCELLANEOUS LAWS.

BOUNTIES.

APPROVED, JULY 22, 1861.

SEC. 5. Every volunteer non-commissioned officer, private, musician, and artificer, who enters the service of the United States under this act, shall be paid at the rate of fifty cents, in lieu of subsistence, and if a cavalry volunteer, twenty-five cents additional, in lieu of forage, for every twenty miles of travel from his place of enrollment to the place of muster—the distance to be measured by the shortest usually travelled route; and when honorably discharged, an allowance at the same rate, from the place of his discharge to his place of enrollment, and, in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of one hundred dollars.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service, and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

APPROVED, MARCH 3, 1863.

An Act to amend an act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-two, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That every non-commissioned officer, private, or other person, who has been or shall hereafter be discharged from the army of the United States within two years from the date of enlistment by reason of wounds received in battle, shall be entitled to receive the same bounty as is granted or may be granted to the same classes of persons who were discharged after service of two years; and all acts and parts of acts inconsistent with this are hereby repealed.

PENSION PAPERS EXEMPT FROM STAMP DUTY.

APPROVED, MARCH 3, 1863.

No stamp duty shall be required on powers of attorney or any other paper relating to applications for bounties, arrearages of pay, or pensions, or to the receipt thereof from time to time; or indemnity awarded for depredations and injuries by certain bands of Sioux Indians.

WESTERN DEPARTMENT—PENSION AND BOUNTY.

• APPROVED, MARCH 25, 1862.

An Act to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be and he is hereby authorized and required to allow and pay to the officers, non-commissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their ser-

vices were accepted and actually employed by the generals who have been in the command of the Department of the West, or the Department of the Missouri, the pay and bounty as in cases of regular enlistment.

SEC. 2. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates so employed, who may have been wounded or incapacitated for service, shall be entitled to and receive the pension allowed for such disability: *Provided*, That the length and character of their enlistment and service be such as to entitle them under such existing laws to such pension.

SEC. 3. *And be it further enacted*, That the heirs of those killed in battle, or of those who may have died from wounds received while so in service, shall be entitled to receive the bounty and pay to which they would have been entitled had they been regularly mustered into service: *Provided*, That the bounty and pay referred to in this act, shall not be payable unless their term of enlistment and service be of such duration as to entitle them to receive the same, according to existing laws.

APPROVED, FEBRUARY 16, 1863.

Joint Resolution to revive "An act to secure to the officers and men actually employed in the Western department, or department of Missouri, their pay, bounty, and pension, and for other purposes."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of a joint resolution entitled "A resolution to suspend all payments under the act approved the twenty-fifth of March, eighteen hundred and sixty-two, entitled 'An act to secure to the

officers and men actually employed in the Western department, or department of Missouri, their pay, bounty, and pension, and for other purposes," approved July twelfth, eighteen hundred and sixty-two, be and they are hereby revived, and the commissioners therein provided for shall be allowed six months from the passage of this resolution within which to make their report.

NAVAL COMPENSATIONS FOR LOSSES.

APPROVED, FEBRUARY 13, 1863.

Joint Resolution to compensate the sailors on the gunboat "Cairo" for loss of clothing.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,
That the proper accounting officers of the Treasury be and they are hereby authorized, in settling the accounts of the petty officers, seamen, sailors, and others of the crew of the United States gunboat "Cairo," to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of said vessel in December last.

APPROVED, MARCH 3, 1863.

A Resolution to compensate the crew of the United States steamer Monitor, for clothing and other property lost in the public service.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,
That the proper accounting officers of the Treasury be and they are hereby authorized, in settling the accounts of the petty officers, seamen, and others

of the crew of the United States steamer Monitor, which was wrecked near Cape Hatteras, on or about the thirtieth day of December, eighteen hundred and sixty-two, to credit each of them with the amount of sixty dollars, to cover their losses of bedding, clothing, and other property occasioned by the sinking of the said steamer.

MISCELLANEOUS ACTS.

APPROVED, MARCH 2, 1863.

An Act to authorize an increase in the number of major generals and brigadier generals for forces in the service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the four major generals and nine brigadier generals for the regular army, and the forty major generals and two hundred brigadier generals for the volunteer service, authorized by the existing laws, there may be appointed thirty major generals and seventy-five brigadier generals for forces in the service of the United States other than the regular army: *Provided,* That the officers to be appointed under this act shall be selected from those who have been conspicuous for gallant or meritorious conduct in the line of duty.

APPROVED, FEBRUARY 7, 1863.

An Act to increase the clerical and other force of the Quartermaster General's office, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be added to the clerical and other force in the office of the Quartermaster

General, to be appointed by the Secretary of War, four clerks of class four and ninety clerks of class one; also, thirty copyists and six laborers, at an annual compensation of six hundred dollars each.

SEC. 2. *And be it further enacted*, That in settling the accounts of the commanding officer of a company for clothing and other military supplies, the affidavit of any such officer may be received to show the loss of vouchers, or company books, or any other matter or circumstance tending to prove that any apparent deficiency was occasioned by unavoidable accident, or lost in actual service, without any fault on his part, or that the whole or any part of such clothing and supplies had been properly and legally used and appropriated; and such affidavit may be considered as evidence to establish the facts set forth, with or without other evidence, as may seem to the Secretary of War just and proper under the circumstances of the case.

An Act to authorize the raising of a volunteer force for the better defence of Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the State of Kentucky, by the consent and under the direction of the President of the United States, shall have power to raise and organize into regiments a volunteer force not exceeding twenty thousand, rank and file, to be raised within the State of Kentucky, to serve for the term of twelve months, to be employed within the limits of Kentucky in repelling invasion, suppressing insurrection, and guarding and protecting the public property: *Provided*, That at any time it may be neces-

sary, in the discretion of the President of the United States, these troops may be employed out of the limits of Kentucky against the enemies of the United States.

SEC. 2. *And be it further enacted*, That the regimental and company officers shall be appointed and commissioned by the State of Kentucky, according to the laws thereof: *Provided*, That the officers of said regiments shall be entitled to pay only when the regiments or companies are filled as now required by law, and while in actual service.

SEC. 3. *And be it further enacted*, That the regiments, when raised and officered as aforesaid, shall be mustered into the service of the United States, and be subject to the command of the President of the United States.

SEC. 4. *And be it further enacted*, That the officers and soldiers thus enrolled and mustered into service shall be subject to the rules and articles of war, and shall be placed on the same footing as other volunteers in the service of the United States as to pay, subsistence, clothing, and other emoluments, except bounty, for and during the time they may be in actual service.

SEC. 5. *And be it further enacted*, That a portion of this volunteer corps, not exceeding two regiments, may, when necessary, in the opinion of the President of the United States, be mounted and armed as mounted riflemen.

SEC. 6. *And be it further enacted*, That the President shall have power to make such other regulations in regard to the organization and service of this force

as he shall deem expedient for the interest of the service.

SEC. 7. *And be it further enacted*, That, by and with the consent of the President of the United States, the volunteers authorized to be raised by this act, or any portion of them, may be attached to and become part of the body of the three years' volunteers, according to such rules and regulations as the President of the United States may prescribe.

APPROVED, FEBRUARY 4, 1863.

An Act in relation to commissioned officers of the United States revenue cutter service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioned officers of the United States revenue cutter service shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. *And be it further enacted*, That the grades of engineers shall be chief engineers, first and second assistant engineers, with the pay and relative rank of first, second, and third lieutenants, respectively.

SEC. 3. *And be it further enacted*, That the wages of petty officers and crew shall not exceed the average wages paid for like services on the Atlantic or Pacific coasts, respectively, in the merchant service.

SEC. 4. *And be it further enacted*, That the officers of the revenue cutter service, when serving in accordance with law, as part of the navy, shall be entitled to relative rank, as follows: Captains, with and next after lieutenants commanding in the navy;

first lieutenants, with and next after lieutenants in the navy; second lieutenants, with and next after masters in line in the navy; third lieutenants, with and next after passed midshipmen in the navy: *Provided*, That no change of rank by this bill shall increase the pay to which such officer is now entitled by law.

APPROVED, FEBRUARY 9, 1863.

An Act to promote the efficiency of the commissary department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be added to the subsistence department of the army one brigadier general, to be selected from the subsistence department, who shall be commissary general of subsistence, and by regular promotion one colonel, one lieutenant colonel, and two majors, the colonels and lieutenant colonels to be assistant commissaries general of subsistence; and that vacancies in the above-mentioned grades shall be filled by regular promotion in said department. And the vacancies created by promotions herein authorized may be filled by selections from the officers of the regular or volunteer force.

APPROVED, MARCH 8, 1863.

An Act for the relief of certain persons who have performed the duties of assistant surgeons in regiments of cavalry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That physicians and surgeons who have since the second day of July last been duly appointed and commissioned as second assistant surgeons in

volunteer regiments of cavalry, and as such have been duly mustered into the military service of the United States, and actually performed the duties appertaining to that office, shall be paid therefor in like manner and upon like proof as other assistant surgeons of cavalry: *Provided*, That not more than two assistant surgeons to each regiment shall be allowed and paid for services performed at one and the same time.

An Act to authorize the brevetting of volunteer and other officers in the United States service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized, by and with the advice and consent of the Senate, to confer brevet rank upon such commissioned officers of the volunteer and other forces in the United States service as have been, or may hereafter be, distinguished by gallant actions or meritorious conduct; which rank shall not entitle them to any increase of pay or emoluments.

SEC. 18. *And be it further enacted*, That the signal corps of the army shall, during the present rebellion, be organized as follows: There shall be one chief signal officer, a colonel, who shall be signal officer of the army; one lieutenant colonel; two majors, who shall be inspectors; and for each army corps or military department there shall be one captain and as many lieutenants, not exceeding eight, as the President may deem necessary, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive the pay and emoluments of cavalry officers of similar grades; and for each

officer of the signal corps there may be enlisted or detailed one sergeant and six privates, who shall receive the pay of similar grades of engineer soldiers: *Provided*, That no officer or enlisted man shall be allowed to serve in the signal corps until he shall have been examined and approved by a military board, to be convened for that purpose by the Secretary of War.

SEC. 19. *And be it further enacted*, That the officers and enlisted men herein provided for shall be subject to the rules and articles of war. They may be mounted upon horses, the property of the United States, and shall serve in any military department, or with any forces to which they may be ordered. And officers of the army, who may be appointed in this corps may, after the rebellion, be restored to their respective regiments or corps, and receive the same rank and promotion as if they had continued to serve therein.

SEC. 20. *And be it further enacted*, That there shall be appointed in the office of the signal officer two clerks, of class two. And in selecting officers and men for the organization of the signal corps, as herein provided, preference shall be given to such as have served faithfully, or as are now serving, in the acting signal corps of the army.

SEC. 21. *And be it further enacted*, That, in order to allow time for their thorough examination, the President may appoint the officers authorized by this act during the recess of Congress; which appointments shall be submitted to the Senate at their next session for their advice and consent.

WIDOWS OF WAR OF 1812

APPROVED, APRIL 16, 1816.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, when any officer or private soldier of the militia, including rangers, sea fencibles, and volunteers, or any non-commissioned officer, musician, or private, enlisted for either of the terms of one year or eighteen months, or any commissioned officer of the regular army, shall have died while in the service of the United States, during the late war, or in returning to his place of residence, after being mustered out of service, or who shall have died at any time thereafter, in consequence of wounds received whilst in the service, and shall have left a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; and in case of death or intermarriage of such widow before the expiration of said five years, the half pay for the remainder of the time shall go to the child or children of said decedent: *Provided, always,* That the Secretary of War shall adopt such forms of evidence in applications under this act as the President of the United States may prescribe: *Provided, also,* That the officers and private soldiers of the militia, as aforesaid, who have been disabled by wounds or otherwise, while in the service of the

United States, in discharge of their duty during the late war, shall be placed on the list of pensioners in the same manner as the officers and soldiers of the regular army, under such forms of evidence as the President of the United States may prescribe: *Provided, also*, That the provisions of this act shall not extend to any person embraced in the provision of the act entitled "An act to provide for the widows and orphans of militia slain, and for militia disabled, in the service of the United States," passed the second day of August, one thousand eight hundred and thirteen.

SEC. 2. *And be it further enacted*, That when any non-commissioned officer, musician, or private soldier of the regular army of the United States, shall have been killed in battle, or have died of wounds or disease, while in the service of the United States, during the late war, and have left a child or children under sixteen years of age, it shall be lawful for the guardian of such child or children, within one year from the passage of this act, to relinquish the bounty land to which such non-commissioned officer, musician, or private soldier, had he survived the war, would have been entitled; and, in lieu thereof, to receive half the monthly pay to which such deceased person was entitled at the time of his death, for and during the term of five years, to be computed from and after the seventeenth day of February, one thousand eight hundred and fifteen; the payment thereof to be made when and where other military pensions are or shall be paid; and where a warrant for the military bounty land aforesaid shall have been issued to or for the use

of the child or children of any such deceased non-commissioned officer, musician, or private soldier, such child or children, or either of them, being under sixteen years of age, it shall be lawful for the guardian of such minor or minors, to surrender and deliver such warrant into the office for the Department of War, within one year from the passing of this act; of which surrender and delivery the Secretary of that Department shall give notice to the Secretary of the Treasury, who shall thereupon give the requisite orders for the payment of the half pay hereby provided for.

SEC. 3. *And be it further enacted*, That all soldiers who have been enlisted to serve for five years or during the war, and were above the age of forty-five, or under the age of eighteen years, who have faithfully served during the late war, and have been regularly discharged, and the representatives of such soldiers as shall have died whilst in the service of the United States, and all soldiers who have been enlisted, and have faithfully served during the late war, until they have been promoted to the rank of commissioned officers, who, if they had served during the war under their enlistment, and being regularly discharged, would have been entitled to a bounty in land, shall be entitled to one hundred and sixty or three hundred and twenty acres of land, according to the term of enlistment; the warrants and patents to issue in the same manner as in the case of soldiers enlisted of proper age, and discharged under similar circumstances.

SEC. 4. *And be it further enacted*, That, for the

purpose of carrying the provisions of this act into effect, and other acts giving bounty lands to soldiers of the regular army, the President of the United States is hereby authorized to cause to be surveyed and laid off, in one or more surveys, two millions of acres, not otherwise appropriated, in addition to the appropriations of lands by the act of May the sixth, one thousand eight hundred and twelve, for designating, surveying, and granting military bounty lands, according to the provisions of said act.

SEC. 5. *And be it further enacted*, That no transfer of land, granted in virtue of this or any other law, giving bounties of land to the non-commissioned officers, musicians, and privates, enlisted during the late war, shall be valid, unless the contract or agreement therefor, or letter of attorney, giving power to sell or convey, shall have been executed after the patents shall be issued and delivered to the persons entitled thereto.

BOUNTY LANDS TO WIDOWS.

APPROVED AUGUST 5TH, 1854.

SEC. 3. *And be it further enacted*, That the act approved September twenty-eight, one thousand eight hundred and fifty, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," the act approved March twenty-second, one thousand eight hundred and fifty-two, entitled "An act to make land warrants assignable, and for other pur-

poses," and the act approved February three, one thousand eight hundred and fifty-three, entitled "An act to continue half pay to certain widows and orphans," shall not be so construed as to deprive any widow from the benefits therein granted for the services of her husband, though she may have married again: *Provided, however,* That the applicant is a widow at the time of making the claim: *Provided,* Such party shall not receive pension during coverture.

APPENDIX B.

NOTE.—This Appendix is prepared in conformity with the design stated in the note to Appendix A, and furnishes all laws passed up to the close of the Thirty-Eighth Congress, relating to pensions and other claims of soldiers and seamen, on the United States government. Expressing thanks for the patronage bestowed on this book, the public is assured that no effort will be spared to make and keep this book one of the most perfect manuals of its kind claiming its patronage.

PENSION LAWS OF 1864, AND INSTRUCTIONS.

ACT OF JULY 4, 1864.

An Act supplementary to an act entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the biennial examinations of pensioners required by an act approved March three, eighteen hundred and fifty-nine, may be made by one surgeon only, provided he is a surgeon of the army or navy, or an examining surgeon duly appointed by the Commissioner of Pensions; nor shall the biennial certificate of two unappointed civil surgeons be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

SEC. 2. *And be it further enacted,* That all fees paid to examining surgeons for biennial examinations, or, for examinations especially ordered, as provided ⁱⁿ ~~him~~, and

the eighth section of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, shall be refunded by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

SEC. 3. *And be it further enacted*, That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer being hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken.

SEC. 4. *And be it further enacted*, That section twelve of the act to grant pensions, approved July fourteen, eighteen hundred and sixty-two, is hereby repealed. And the Commissioner of Pensions is authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the government through the Pension Office, and to aid in prosecuting any persons so offending, with such additional compensation as is customary in cases of special service.

SEC. 5. *And be it further enacted*, That all persons now by law entitled to a less pension than hereafter fixed, who shall have lost both feet in the military service of the United States and in the line of duty,

shall be entitled to a pension of twenty dollars per month; and those who, under the same conditions, have lost both hands or both eyes, shall be entitled to a pension of twenty-five dollars per month.

SEC. 6. *And be it further enacted*, That no pension claim now on file, unless prosecuted to a successful issue within three years from the passage of this act, and no claim hereafter filed; not thus prosecuted to a successful issue within five years from the date of such filing, shall be admitted without satisfactory record evidence from the War Department to establish the same; and in every case in which a claim for pension shall have been filed more than three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

SEC. 7. *And be it further enacted*, That on the remarriage of any widow receiving a pension, such pension shall terminate, and shall not be renewed should she again become a widow.

SEC. 8. *And be it further enacted*, That examining surgeons, duly appointed by the Commissioner of Pensions, may be required by him, from time to time, as he shall deem for the interest of the government, to make special examinations of pensioners on the rolls of their respective districts, and such examinations shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by any examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and

shall review such cases as may be ordered before them on appeal from any special examination as aforesaid, and the decision of such board shall be final on the question so submitted thereto. The compensation of all such surgeons shall not exceed that which has been customarily allowed in such cases, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

SEC. 9. *And be it further enacted*, That those persons not enlisted soldiers in the army, who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or where persons otherwise volunteered and rendered service in any engagement with rebels or Indians since the fourth day of March, eighteen hundred and sixty-one, shall, if they have been disabled in consequence of wounds received in battle in such temporary service, be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service ; and the widows or other dependents of any such persons as may have been killed in the temporary service aforesaid shall be entitled to pensions in the same manner as they would have been had such persons been regularly mustered : *Provided*, That no claim under this section shall be made valid unless presented and prosecuted to a successful issue within three years from and after the passage of this act. All such claims shall be adjudicated under such special rules and regulations as the Commissioner of Pensions may prescribe most effectually to guard against fraud.

SEC. 10. *And be it further enacted*, That if any per-

son entitled to an invalid pension under the provisions of the act granting pensions, approved July fourteen, eighteen hundred and sixty-two, has died or shall hereafter die while an application for such pension is pending, and having a widow or dependent relative entitled to receive a pension by reason of his service and death, as provided in said act, then the pension to such widow or other person shall commence from the date at which the decedent's invalid pension would have commenced had he survived, subject to the conditions of this act and the act to which this is amendatory.

SEC. 11. *And be it further enacted*, That all enlisted soldiers in the army who shall have become disabled in the service, whether they shall have been regularly mustered in or not, shall be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service; and the widows or other dependents entitled to pensions by law, as prescribed by the act of July fourteen, eighteen hundred and sixty-two, of any such soldier who may have been killed, or shall have died, or shall hereafter die, by reason of any wound received or disease contracted while in said service and in the line of duty, shall be entitled to the same pension as though such soldier had been regularly mustered into the service.

SEC. 12. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowances before the Pension Office, under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Of-

fice, with the requisite correspondence, ten dollars ; which sum shall be received by such agent or attorney in full for all services in obtaining such pension, and shall not be demanded or received in whole or in part until such pension shall be obtained ; and the sixth and seventh sections of an act entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two, are hereby repealed.

SEC. 13. *And be it further enacted*, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance, under this act, on the condition that he shall receive a per centum upon any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.

SEC. 14. *And be it further enacted*, That the widows and children of colored soldiers who have been or who may be hereafter killed, or who have died, or may hereafter die, of wounds received in battle, or who have died, or may hereafter die, of disease contracted in the military service of the United States, and in the line of duty, shall be entitled to receive the pensions now provided by law, without other proof of marriage

than that the parties had habitually recognized each other as man and wife, and lived together as such for a definite period next preceding the soldier's enlistment, not less than two years, to be shown by the affidavits of credible witnesses: *Provided*, however, that such widow and children are free persons; *Provided, further*, That if such parties resided in any State in which their marriage may have been legally solemnized, the usual evidence shall be required.

SEC. 15. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

INSTRUCTIONS.

Attention is especially directed to the following particulars in which previous legislation and official practice have been modified under the provisions of the foregoing act:

1. BIENNIAL EXAMINATIONS.—The biennial examinations of invalid pensioners, required by the act of March 3, 1859, will hereafter be made by one surgeon only, if he is regularly appointed, or holds a surgeon's commission in the army. In no case will an examination by unappointed civil surgeons be accepted, unless it is satisfactorily shown by the affidavit of one or more disinterested and credible witnesses, giving the reasons for such asseveration, that an examination by a commissioned or duly appointed surgeon is impracticable. On such proof, the certificate of two unap-

pointed civil surgeons will be accepted in the same manner as heretofore. Fees paid to unappointed examining surgeons will not be refunded. Fees of appointed surgeons will be paid directly by Pension Agents, under prescribed regulations, and not by the pensioner, (to be afterwards refunded,) as under the act of 1862.

2. DECLARATIONS.—All declarations of claimants residing within twenty-five miles of any court of record must, without exception, be made before such court, or before some officer thereof having custody of its seal. For the convenience of persons residing more than twenty-five miles distant from any court of record, officers qualified by law to administer oaths may be designated by the Commissioner of Pensions, before whom such declarations shall be executed.

3. INCREASED PENSIONS IN CERTAIN CASES.—A pension of twenty-five dollars per month is granted to those having lost both hands or both eyes in the military service of the United States, in the line of duty, and twenty dollars per month to those who, under the same conditions, shall have lost both feet, if such parties were entitled to a lower rate of pension under the act of 1862. This higher pension will date only from the 4th day of July, 1864, in the case of pensioners already enrolled, or of applicants discharged prior to that date.

4. COMMENCEMENT OF PENSIONS WHEN APPLICATIONS ARE DELAYED MORE THAN THREE YEARS.—In all cases in which the application is filed more than three years after the discharge or decease of the person on whose account the claim is made, the pension, if allowed, will commence at the date of filing the last paper in

support of such claim. Claims filed before July 4, 1864, must be prosecuted to a final issue within three years from that date, and those filed subsequently to July 4, 1864, must be prosecuted to a final issue within five years from the date of filing, or they will thereafter be rejected, in the absence of satisfactory record evidence from the War Department to support such claim.

5. WIDOW'S PENSION NOT RENEWABLE AFTER REMARRIAGE.—The remarriage of a widow terminates all claim to a pension from the date of such remarriage, although she may again become a widow.

6. SPECIAL EXAMINATIONS OF PENSIONERS.—Special examinations of pensioners will be ordered at such times as the interests of the Government may seem to require; and such examinations, subject to an appeal to a board of three appointed surgeons, will take precedence of all previous examinations.

7. PENSIONS TO UNENLISTED MEN OR TO THEIR DEPENDENTS, IN CERTAIN CASES.—Persons disabled by wounds received in battle while temporarily serving with any regularly organized military or naval force of the United States, since March 4, 1861, but not regularly enlisted, and the widows, dependent mothers or sisters, or minor children under sixteen years of age, of those who, serving in like manner, have been or may be killed, are entitled, on satisfactory proof, to the benefits of the act of July 14, 1862, on the conditions therein prescribed.

Proof of service, in cases arising under the ninth section of the act of July 4, 1864, must be furnished by a commissioned officer under or with whom such unenlisted person served, showing the nature, period,

and circumstances of such service. Proof as to the disability or death of a person so serving must be shown in the same manner, when practicable, or by the affidavits of two non-commissioned officers or privates in the same service, with evidence that proof by a commissioned officer is impracticable. If the officer furnishing such evidence is not at the time in the service, his certificate must be duly sworn to and his signature authenticated.

8. COMMENCEMENT OF WIDOW'S PENSIONS IN CERTAIN CASES.—When an applicant entitled to an invalid pension dies during the pendency of his claim, leaving a widow or dependent relative entitled to receive a pension by reason of his service and death, such pension will commence from the date at which the invalid pension would have commenced if admitted while the claimant was living.

9. EVIDENCE OF MUSTER-IN.—In accordance with the eleventh section of the act of July 4, 1864, evidence of the muster-in of the soldier will not be required in any case, but there must be positive record evidence of service, except in such cases as are embraced within the provisions of the ninth section of the said act. The eleventh section applies only to *enlisted soldiers*. Evidence of muster in the case of commissioned officers is still required.

10. FEES OF CLAIM AGENTS.—Claim agents are prohibited, under severe penalty, from receiving more than ten dollars in all for their services in prosecuting any pension claim, or from receiving any part of such fee in advance, or any percentage of any claim, or of any portion thereof, for pension or bounty.

11. PROOF OF MARRIAGE OF COLORED SOLDIERS'

WIDOWS.—To establish the marriage of the alleged widow of any colored soldier, evidence of habitual recognition of the marriage relation between the parties for two years next preceding the soldier's enlistment must be furnished by the affidavits of at least two credible witnesses; *Provided*, however, if such parties resided in any State in which their marriage may have been legally solemnized, the usual evidence shall be required. The widow or children, however, claiming the benefits of this provision, must be free persons.

12. FORMS.—The forms heretofore published for applications under the act of July 14, 1862, may be used, with slight and obvious modifications, by applicants for the special benefits of this supplementary act.

JOSEPH H. BARRETT,
Commissioner of Pensions.

ACT OF MARCH 3, 1865.

An Act supplementary to several acts relating to Pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no invalid pensioner now or hereafter in the service of the United States shall be entitled to draw a pension for any period of time during which he is or shall be entitled to the full pay or salary which an able-bodied person discharging like duties to the government is allowed by law.

SEC. 2. *And be it further enacted*, That acting assistant or contract surgeons disabled by any wound received or disease contracted while actually performing the duties of assistant surgeons or acting assistant surgeons, with any military forces in the field or in tran-

situ, shall be entitled to the benefits of the pension laws in the same manner as if they had actually been mustered into the service with the rank of "assistant surgeon," and the widows, minor children, or the dependents of acting assistant surgeons dying while performing the duty aforesaid, shall in like manner be entitled to the same benefits of the pension laws as if the deceased had been actually mustered into the service as assistant surgeons.

SEC. 3. *And be it further enacted*, That all persons now by law entitled to a less pension than hereafter specified who shall have lost one foot and one hand in the military service of the United States, and in the line of his duty, shall be entitled to twenty dollars per month.

SEC. 4. *And be it further enacted*, That if any officer or other person named in the first section of an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, his widow, or if there be no widow, or in case of her death or marriage, without payment to her of any part of the pension hereinafter mentioned, his child or children, under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to under said act, had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no

longer: *Provided*, That when such pension has been, or shall hereafter be, paid to the widow, such child or children shall only be entitled to receive the pension, to commence from the death or marriage of such widow and to continue as aforesaid: *Provided, further*, That nothing herein contained shall be construed to repeal or modify the tenth section of an act entitled "An act supplementary to 'An act to grant pensions,' approved July fourteenth, eighteen hundred and sixty-two," approved July fourth, eighteen hundred and sixty-four, and said section is hereby declared to be in full force and effect in all cases arising under this act to which said section is applicable, saving and excepting such cases as are embraced in the preceding proviso.

BOUNTY LAWS.

ACT OF MARCH 3, 1863.

An act for enrolling and calling out the national forces, and for other purposes.

SEC. 13. *And be it further enacted*, That any person drafted and notified to appear as aforesaid may, on or before the day fixed for his appearance, furnish an acceptable substitute to take his place in the draft; or he may pay to such person as the Secretary of War may authorize to receive it, such sum, not exceeding three hundred dollars, as the Secretary may determine for the procurement of such substitute; which sum shall be fixed at a uniform rate by a general order made at the time of ordering a draft for any State or Territory; and thereupon such person so furnishing the substitute, or paying the money, shall be discharged from further

liability under that draft. And any person failing to report after due service of notice, as herein prescribed, without furnishing a substitute, or paying the required sum therefor, shall be deemed a deserter, and shall be arrested by the provost-marshal and sent to the nearest military post for trial by court-martial, unless, upon proper showing that he is not liable to do military duty, the board of enrolment shall relieve him from the draft.

JOINT RESOLUTION, DECEMBER 23, 1863.

SEC. 2. *And be it further resolved*, That the money paid by drafted persons under the "Act for enrolling and calling out the national forces and for other purposes," approved third March, eighteen hundred and sixty-three, shall be paid into the treasury of the United States, and shall be drawn out on requisitions, as in the case of other public moneys, and the money so paid shall be kept in the treasury as a special deposit, applicable only to the expenses of draft and for the procurement of substitutes; for these purposes it is hereby appropriated.

JOINT RESOLUTION, JANUARY 13, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounties heretofore paid, under regulations and orders from the War Department, to men enlisting in the regular or volunteer forces of the United States for three years or during the war, shall continue to be paid from the fifth day of January, eighteen hundred and sixty-four, until the first day of March next, anything in the *act* [joint resolution] approved December twenty-third, eighteen hundred and

sixty-three, to the contrary notwithstanding. This resolution to be in force from and after its passage.

ACT OF MARCH 3, 1865.

An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the measure of allowance for pay for an officer's servant is the pay of a private soldier as fixed by law at the time; that no non-commissioned officer shall be detailed or employed to act as a servant, nor shall any private soldier be so detailed or employed except with his own consent; that for each soldier employed as a servant by any officer there shall be deducted from the monthly pay of such officer the full monthly pay and allowances of the soldier so employed; and that, including any soldier or soldiers so employed, no officer shall be allowed for any greater number of servants than is now provided by law, nor be allowed for any servant not actually and in fact in his employ.

SEC. 2. *And be it further enacted,* That non-commissioned officers and privates in the volunteer service shall receive the same amount of clothing as non-commissioned officers and privates of the same arm of the regular army.

SEC. 3. *And be it further enacted,* That if a soldier, discharged for wounds received in battle, die before receiving the bounty provided by the act of March third, eighteen hundred and sixty-three, entitled "An act to amend an act to authorize the employment of volunteers, and so forth," the bounty due shall be paid

to the following persons, and in the order following, and to no other person, to wit: first, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither widow, or child or children, then and in that case such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: first, to his father; or if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

SEC. 4. *And be it further enacted*, That every non-commissioned officer, private, or other person, who has been or shall hereafter be, discharged from the army of the United States by reason of wounds received in battle, on skirmish, on picket, or in action, or in the line of duty, shall be entitled to receive the same bounty as if he had served out his full term; and all acts and parts of acts inconsistent with this are hereby repealed.

SEC. 5. *And be it further enacted*, That all persons of color who were enlisted and mustered into the military service of the United States in South Carolina, by and under the direction of Major General Hunter and Brigadier General Saxton, in pursuance of the authority from the Secretary of War, dated August twenty-fifth, eighteen hundred and sixty-two, "that the persons so received into service, and their officers, to be entitled to and receive the same pay and rations as are allowed by law to other volunteers in the ser-

vice ;" and in every case where it shall be made to appear to the satisfaction of the Secretary of War, that any regiment of colored troops has been mustered into the service of the United States, under any assurance by the President or the Secretary of War, that the non-commissioned officers and privates of such regiment should be paid the same as other troops of the same arm of the service, shall, from the date of their enlistment, receive the same pay and allowances as are allowed by law to other volunteers in the military service; and the Secretary of War shall make all necessary regulations to cause payment to be made in accordance herewith.

SEC. 11. *And be it further enacted*, That the bounty of one hundred dollars, provided by present laws to be paid to the heirs of volunteers killed in battle, shall be extended to the widow if living, or if she be dead to the children of any volunteer who shall have been or may be killed in the service, whether he shall have enlisted for two years or for a less period of time.

SEC. 17. *And be it further enacted*, That any recruiting agent, substitute broker, or other person who, for pay or profit, shall enlist, or cause to be enlisted, as a volunteer or substitute, any insane person, or convict, or person under indictment for a felony, or who is held to bail to answer for a felony, or person in a condition of intoxication, or a deserter from the military or naval service, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, knowing him, in either case before mentioned, to be such, or who shall defraud or illegally deprive any volunteer or substitute of any portion of

the State, local, or United States bounty, to which he may be entitled, shall, upon conviction in any court of competent jurisdiction, be fined not exceeding one thousand dollars, nor less than two hundred dollars, or imprisoned not exceeding two years and not less than three months, or both, in the discretion of the court aforesaid.

SEC. 18. *And be it further enacted*, That any officer who shall muster into the military or naval service of the United States any deserter from said service, or insane person, or person in a condition of intoxication, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, knowing him to be such, shall, upon conviction by any court-martial, be dishonorably dismissed the service of the United States.

SEC. 19. *And be it further enacted*, That in every case where a substitute is furnished to take the place of an enrolled or drafted man, and it is shown by evidence that shall be satisfactory to the Secretary of War that such substitute was, at the time of his enlistment, known by the party furnishing him to be *non compos mentis*, or in a condition of intoxication, or under conviction or indictment for any offence of the grade of felony at the common law, or to have been guilty of a previous act of desertion unsatisfied by pardon or punishment, or by reason of any existing infirmity or ailment, physically incapable of performing the ordinary duties of a soldier in actual service in the ranks, or minor between the ages of sixteen and eighteen years, without the consent of his parent or guardian, or a minor under the age of sixteen years, it shall be the

duty of the Provost Marshal General, on advice of the fact, to report the same to the provost marshal of the proper district ; and if such person so enlisted and incapable shall have been, since the passage of this act, mustered into the service as a substitute for a person liable to draft and not actually drafted, the name of the person so liable who furnished such substitute shall be again placed on the list, and he shall be subject to draft thereafter as though no such substitute had been furnished by him ; and if such substitute so enlisted and incapable as aforesaid shall have been, since the passage of this act, mustered into the service as a substitute for a person actually drafted, then it shall be the duty of the Provost Marshal General to direct the provost marshal of the district immediately to notify the person who furnished such substitute that he is held to service in the place of such substitute, and he shall stand in the same relation and be subject to the same liability as before the furnishing of such substitute.

SEC. 20. *And be it further enacted*, That in case any substitute shall desert from the army, and it shall appear by evidence satisfactory to the Secretary of War that the party furnishing such substitute shall have, in any way, directly or indirectly, aided or abetted such desertion, or to have been privy to any intention on the part of such substitute to desert, then such person shall be immediately placed in the army, and shall serve for the period for which he was liable to draft, such service to commence at the date of the desertion of the substitute.

SEC. 21. *And be it further enacted*, That, in addition to the other lawful penalties of the crime of desertion

from the military or naval service, all persons who have deserted the military or naval service of the United States, who shall not return to said service, or report themselves to a provost marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship and their rights to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the jurisdiction of the district in which he is enrolled, or go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required forthwith, on the passage of this act, to issue his proclamation setting forth the provisions of this section, in which proclamation the President is requested to notify all deserters returning within sixty days as aforesaid that they shall be pardoned on condition of returning to their regiments and companies or to such other organizations as they may be assigned to, until they shall have served for a period of time equal to their original term of enlistment.

APPENDIX C.

By act of Congress approved March third, eighteen hundred and sixty-three, it is provided "that every non-commissioned officer, private, or other person who has been, or shall hereafter be, discharged from the army of the United States within two years from the date of their enlistment, by reason of wounds received in battle, shall be entitled to receive the same bounty as is granted, or may be granted, to the same classes of persons who are discharged after a service of two years; and acts and parts of acts inconsistent with this, are hereby repealed."

And by the third section of the act of Congress approved March third, eighteen hundred and sixty-five, it is provided "that if a soldier, discharged for wounds received in battle, die before receiving the bounty provided by the act of March third, eighteen hundred and sixty-three, the bounty due shall be paid the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither a widow or child or children, then and in that case such bounty shall be paid to the following

persons, provided they be residents of the United States, to wit: first to his father; or, if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and, if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid."

Section eleven of the same act provides "that the bounty of one hundred dollars provided by present laws to be paid to the heirs of volunteers killed in battle shall be extended to the widow, if she be living, or if she be dead, to the children of any volunteer who shall have been or may be killed in the service, whether he shall have enlisted for two years or for a less period of time."

[The bounty provided by these acts is not payable in case of the nine months' men, it being held by the War Department that they were militia, and not United States troops. Neither is it payable in case of three months' men, they being militia.]

An Act to amend the act entitled "An act for the relief of seamen and others borne on the books of vessels wrecked or lost in the naval service," approved July fourth, eighteen hundred and sixty-four, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any officer of the navy or marine corps on board a vessel in the employ of the United States, which, by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, shall thereby have lost his personal effects,

the proper accounting officers are hereby authorized, with the approval of the Secretary of the Navy, to allow such officer a sum not exceeding the amount of his sea pay for one month as compensation for said loss: *Provided*, That such loss has not occurred through the negligence or want of skill or foresight of the officer making application for such loss: *Provided*, That the accounting officers shall in all cases require a schedule and certificate from the officer making the claim for effects so lost: *And provided further*, That no allowance shall be made by virtue of this act for any loss incurred prior to the nineteenth day of April, eighteen hundred and sixty-one.

SEC. 2. *And be it further enacted*, That so much of the seventh section of the act of Congress approved February twenty-fourth, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved March third, anno Domini eighteen hundred and sixty-three, as provides that "the bounty money which any mariner or seaman enlisting from the army into the navy may have received from the United States, or from the State in which he enlisted in the army, shall be deducted from the prize money to which he may become entitled during the time required to complete his military service," be, and the same is hereby, repealed.

Approved April 6, 1866.

[Claims for the pay provided by this act are adjudicated by the Fourth Auditor of the Treasury Department, to whom all applications should be sent, accompanied by the discharge of the claimant.]

Joint Resolution giving construction to the law in relation to bounties payable to soldiers discharged for wounds. Approved April twelve, eighteen hundred and sixty-six.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the true intent and meaning of the words "or in line of duty," used in the fourth section of the act approved March third, eighteen hundred and sixty-five, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes," requires that the benefit of the provision of said section shall be extended to any enlisted man or other person entitled by law to bounty, who has or may be discharged by reason of a wound received while actually in service under military orders, not at the time on furlough or leave of absence, nor engaged in any unlawful or unauthorized act or pursuit.

[The bounty provided by these acts is not paid in case of nine months, nor three months' troops, it having been decided by the Secretary of War that such troops were but "State militia," and not a part of the United States forces proper. Application for this bounty in behalf of the *soldier* should be made to the Paymaster General, United States Army. Should the soldier's "discharge certificate" be lost, however, application will then be made to the Second Auditor of the Treasury Department, with all the facts attendant upon its loss clearly set forth in the declaration, and that the claimant did not give, sell, transfer, nor assign his discharge to any one, also the declarant's and at least one of his officer's affidavits, narrating

the circumstances how and where he was wounded. So also should all claims for this bounty by *heirs* of deceased soldiers be made to the Second Auditor of the Treasury.]

Resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs. Approved June fifteen, eighteen hundred and sixty-six.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the omission in the "muster-rolls" of the words "free on or before April nineteen, eighteen hundred and sixty-one," shall not deprive any colored soldier of the bounty to which he is entitled, and which is now or may hereafter be withheld by reason of such omission; but where nothing appears on the muster-roll or of record to show that a colored soldier was not a freeman at the date aforesaid, under the provision of the fourth section of the "act making appropriations for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-five," the presumption shall be that the person was free at the time of his enlistment.

SEC. 2. *And be it further resolved,* That in determining who is or was the wife, widow, or heirs of any colored soldier, evidence that he and the woman claimed to be his wife or widow were joined in marriage by some ceremony deemed by them obligatory, followed by their living together as husband and wife up to the time of enlistment, shall be deemed sufficient proof of such marriage for the purpose of securing any arrears of pay, pension, or other allowances due any colored soldier at the time of his death; and

the children born of any such marriage shall be held and taken to be lawful children and heirs of such soldier.

[All claims for arrears of pay and bounty arising by reason of service of *colored* soldiers are to be made to the Second Auditor of the Treasury of the United States.]

An Act for the relief of the members of the thirty-seventh regiment of Iowa volunteers. Approved July third, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid to the members of the thirty-seventh regiment of Iowa volunteer infantry the same bounty provided by law, or which may hereafter be provided by law, to soldiers enlisted in the volunteer service of the United States during the year eighteen hundred and sixty-two; and in case any of the members of said regiment are dead, or may hereafter die, before the payment of said bounty, the same shall be paid to their representatives, in the same order provided by law for the payment of bounty in other cases.

[The bounty provided by this law may be paid to the *discharged* soldier, his discharge not being lost, by the Paymaster General United States Army. In case the discharge is lost, or the claim is by *heirs*, application must be made to the Second Auditor, Treasury Department. When a settlement has already been made by the Second Auditor to heirs, and no bounty allowed, claimants will make reference to

proofs in the original application, and give the number of the treasury certificate issued on former settlement.]

Joint Resolution declaratory of the law of bounty. Approved July thirteenth, eighteen hundred and sixty-six.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That where any enlisted man has been or may be detailed for duty in any executive bureau, at headquarters or elsewhere, he shall not by such detail be deprived of any rights to bounties now due or hereafter to become due, but shall be as fully entitled thereto as though no such detail had been made.

[Claims for the bounty by the class of soldiers designated by this resolution should be made to the Paymaster General United States Army. The declarant will state in his declaration his original service, when and to where he was detailed, and attach his discharge to his application. Application by *heirs* must be made to the Second Auditor of the Treasury.]

An Act to amend the benefits of section four of an act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and sixty-six, approved March third, eighteen hundred and sixty-five. Approved July thirteenth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of an act entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred

and sixty-six," be so construed as to entitle to the three months' pay proper, provided for therein, all officers of volunteers below the rank of brigadier general who were in the service on the third day of March, eighteen hundred and sixty-five, and whose resignations were presented and accepted, or who were mustered out at their own request, or otherwise honorably discharged from the service, after the ninth day of April, eighteen hundred and sixty-five.

[Claims for the pay provided by this act should be filed with the Paymaster General United States Army, the officer's discharge accompanying the application. This pay is a *gratuity to officers*, and not payable to *heirs*.]

An Act supplementary to the several acts relating to pensions. Approved June sixth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of an act entitled "An act supplementary to an act entitled 'An act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two,' approved July fourth, eighteen hundred and sixty-four," and section four of an act entitled "An act supplementary to the several acts relating to pensions," approved March third, eighteen hundred and sixty-five, be, and the same are hereby, repealed, and the following shall stand in lieu thereof: That from and after the passage of this act, all persons by law entitled to a less pension than herein-after specified, who, while in the military or naval ser-

vice, and in the line of duty, shall have lost the sight of both eyes, or who shall have lost both hands, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the constant personal aid and attendance of another person, shall be entitled to a pension of twenty-five dollars per month; and all persons who, under like circumstances, shall have lost both feet, or one hand and one foot, or been permanently and totally disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require constant personal aid and attention, shall be entitled to a pension of twenty dollars per month; and all persons who, under like circumstances, shall have lost one hand or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or a foot, shall be entitled to a pension of fifteen dollars per month.

SEC. 2. *And be it further enacted*, That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been or may hereafter be granted, shall be void and of no effect; and any person acting as attorney to receive and receipt for money for and in behalf of any person entitled to a pension shall, before receiving said money, take and subscribe an oath, to be filed with the pension agent, and by him to be transmitted, with the vouchers now required by law, to the proper accounting officer of the Treasury, that he has no interest in said money by any pledge, mortgage, sale,

assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person; and that any person who shall falsely take the said oath shall be guilty of perjury, and, on conviction, shall be liable to the pains and penalties of perjury.

SEC. 3. *And be it further enacted*, That any person who shall present or cause to be presented at any pension agency any power of attorney or other paper required as a voucher in drawing said pension, which paper shall bear a date subsequently to that on which it was actually signed or executed, such person so offending shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or by both, at the discretion of the court before whom such conviction shall be had, and no sum of money due, or to become due, to any pensioner under the laws aforesaid, shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension Office or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner.

SEC. 4. *And be it further enacted*, That no claim agent or other person shall hereafter charge or receive more than twenty-five cents for preparing the papers necessary to enable a pensioner to receive a semi-annual payment of his pension, nor shall any pension agent charge or receive more than fifteen cents for administering an oath to a pensioner, or his

attorney in fact, under a penalty of five dollars in each case.

SEC. 5. *And be it further enacted*, That section one of an act entitled "An act supplementary to the several acts relating to pensions," approved March third, eighteen hundred and sixty-five, is hereby repealed.

SEC. 6. *And be it further enacted*, That if any person entitled to an invalid pension, who has died since March four, eighteen hundred and sixty-one, or shall hereafter die, while an application for such pension is pending, and after the proof has been completed, leaving no widow, and no minor children under sixteen years of age, his heirs or legal representatives shall be entitled to receive the accrued pension to which the applicant would have been entitled had the certificate been issued before his death.

SEC. 7. *And be it further enacted*, That in all cases where a commission shall have been regularly issued to any person in the military or naval service who shall have died or been disabled while in the line of duty after the date of such commission, and before being mustered, such officer or other person entitled to a pension for such death or disability by existing laws shall receive a pension corresponding to his rank as determined by such commission, the same as if he had been mustered: *Provided*, This section shall not apply to any officer who shall have wilfully neglected or refused to be so mustered.

SEC. 8. *And be it further enacted*, That officers absent on sick leave, and enlisted men absent on sick furlough, shall be regarded in the administration of the pension laws in the same manner as if they were in the field or hospital.

SEC. 9. *And be it further enacted*, That the period of service of all persons entitled to the benefits of the pension laws, or on account of whose death any person may become entitled to a pension, shall be construed to extend to the time of disbanding the organization to which such person belonged, or until their actual discharge for other cause than the expiration of the service of such organization.

SEC. 10. *And be it further enacted*, That enlisted men employed as teamsters, wagoners, artificers, hospital stewards, farriers, saddlers, and all other enlisted men, however employed, in the service of army or navy, not specifically mentioned in the first section of an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, shall be regarded, in the administration of the pension laws, as non-commissioned officers or privates.

SEC. 11. *And be it further enacted*, That if any officer, soldier, or seaman shall have died of wounds received or disease contracted in the line of duty in the military or naval service of the United States, leaving a widow and a child or children under the age of sixteen years, and it shall be duly certified, by any court having probate jurisdiction, that satisfactory evidence has been produced before such court that the widow has abandoned the care of such child or children, or is an unsuitable person, by reason aforesaid of immoral conduct, to have the custody of the same, then no pension shall be allowed to such widow until such minor child or children shall have become sixteen years of age, any previous enactment to the contrary notwithstanding; and the minor child or children aforesaid shall be pensioned in the same

manner as if no widow had survived the said officer, soldier, or seaman, and such pension may be paid to the regularly authorized guardian of such minor or minors.

SEC. 12. *And be it further enacted*, That section four of an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, is hereby so amended that the provisions thereof shall apply to and include the orphan brother or brothers, as well as sister or sisters, under sixteen years of age, and the father as well as the mother of a deceased officer or other person named in section one of the above entitled act, who were dependent upon him for support in whole or in part, subject to the same limitations and restrictions.

SEC. 13. *And be it further enacted*, That nothing in this or any other act shall be so construed as to repeal or modify the sixth section of an act entitled "An act supplementary to an act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, approved July fourth, eighteen hundred and sixty-four, or to entitle a person to receive more than one pension at the same time; and in every case in which a claim for pension shall not have been filed within three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

SEC. 14. *And be it further enacted*, That the fourteenth section of an act entitled "An act supplementary to an act entitled 'An act to grant pensions,'" approved July fourteenth, eighteen hundred and sixty-

two, approved July fourth, eighteen hundred and sixty-four, be, and the same is hereby, repealed ; and that the widows and children of colored soldiers and sailors who have been or may be hereafter killed, or who have died or may hereafter die of wounds received or of disease contracted in the military or naval service of the United States and in the line of duty, shall be entitled to receive the pensions, bounty, and back pay provided by law, without other evidence of marriage than proof satisfactory to the Commissioner of Pensions that the parties had habitually recognized each other as man and wife, and lived together as such ; and the children born of any marriage so proved shall be deemed and taken to be the children of the soldier or sailor party thereto.

[See Pension Regulations.]

Joint Resolution in relation to rations of Union soldiers held as prisoners of war. Approved July twenty-fourth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all United States soldiers, sailors, and marines who were held as prisoners of war in the rebel States, shall be paid commutation of rations at cost prices during the period of their imprisonment: *Provided,* That no person who has sold or transferred any interest in the claim for said commutation, nor any purchaser or assignee of such claim or interest, shall be benefited by this resolution ; and the amount of such commutation shall be paid by any money in the treasury not otherwise appropriated.

[The pay provided by this resolution is held to be of the nature of extra pay or a gratuity, and is only payable to the soldier, sailor, or marine. *Heirs* of deceased soldiers or sailors who may have died in the service are not entitled. All claims for simply the pay provided by this resolution are to be filed with the Commissary General of Prisoners, War Department, accompanied by the discharge of claimant, with proof of his identity.]

An Act increasing the pensions of widows and orphans, and for other purposes. Approved July twenty-fifth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the pension laws are hereby extended to and made to include provost marshals, deputy provost marshals, and enrolling officers, who have been killed or wounded in the discharge of their duties ; and for the purpose of determining the amount of pension to which such persons and their dependents shall be entitled, provost marshals shall be ranked as captains, deputy provost marshals as first lieutenants, and enrolling officers as second lieutenants.

SEC. 2. *And be it further enacted,* That the pensions to widows of deceased soldiers and sailors, having children by such deceased soldiers or sailors, be increased at the rate of two dollars per month for each child of such soldier or sailor under the age of sixteen years. And in all cases in which there shall be more than one child of any deceased soldier or sailor leaving no widow, or where his widow has died

or married again, or where she has been deprived of her pension under the provisions of section eleven of an act entitled "An act supplementary to the several acts relating to pensions," approved June sixth, eighteen hundred and fifty-six, the pension granted to such children under the age of sixteen years by existing laws shall be increased to the same amount per month that would be allowed under the foregoing provisions to the widow if living and entitled to a pension: *Provided*, That in no case shall more than one pension be allowed to the same person.

SEC. 3. *And be it further enacted*, That the provisions of an act entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two, and of the acts supplementary thereto and amendatory thereof, are hereby, so far as applicable, extended to the pensioners under previous laws, except revolutionary pensioners.

SEC. 4. *And be it further enacted*, That if any person, during the pendency of his application for an invalid pension, and after the completion of the proof showing his right thereto, has died, or shall hereafter die, but not in either case by reason of a wound received or disease contracted in the service of the United States and in the line of duty, his widow, or if he left no widow, or in the event of her death or marriage, his relatives in the same order in which they would have received a pension if they had been thereunto entitled under existing laws on account of the services and death in the line of duty of such person, shall have the right to demand and receive the accrued pension to which he would have been entitled had the certificate issued before his death;

and in all cases where such pensioner has died or shall hereafter die, under circumstances hereinbefore mentioned, whether by reason of a wound received or disease contracted in the service of the United States, and in the line of duty, or otherwise, without leaving a widow or such relatives, then such accrued pension shall be paid to the executor or administrator of such person in like manner and effect as if such pension were so much assets belonging to the estate of the deceased at the time of his death.

SEC. 5. *And be it further enacted*, That the repeal by the act entitled "An act supplementary to the several acts relating to pensions," approved June sixth, eighteen hundred and sixty-six, of parts of certain acts mentioned in the first section of said act, shall not work a forfeiture of any rights accrued under or granted by such parts of such acts so repealed; but such rights shall be recognized and allowed in the same manner and to all intents and purposes as if said act had never been passed, except that the invalid pensioner shall be entitled to draw from and after the taking effect of said act the increased pension thereby granted in lieu of that granted by such parts of such acts so repealed.

SEC. 6. *And be it further enacted*, That nothing in the fourth section of an act entitled "An act supplementary to the several acts relating to pensions," approved March third, eighteen hundred and sixty-five, or in any other supplementary or amendatory act relating to pensions, shall be so construed as to impair the right of a widow whose claim for a pension was pending at the date of her marriage to the pension to which she would otherwise be entitled had

her deceased husband left no minor child or children under the age of sixteen years.

[See Pension Instructions.]

Joint Resolution amendatory of a joint resolution entitled "A resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs," approved June fifteenth, eighteen hundred and sixty-six. Approved July twenty-sixth, eighteen hundred and sixty-six.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "at the time of enlistment," at the end of section one of the "resolution respecting bounties to colored soldiers and the pensions, bounties, and allowances to their heirs," approved June fifteenth, eighteen hundred and sixty-six, be, and the same are hereby, stricken out.

SEC. 2. *And be it further resolved,* That whenever application shall be made by any claimant for bounty under the provisions of the joint resolution aforesaid, by or through any agent or attorney, such agent or attorney shall hereafter be required to file with each claim his oath or affirmation that he has no interest whatever in said bounty beyond the fees for the collection of the same, which are hereby fixed and established as follows, viz: For the preparation and prosecution of claims for, and the collection and remittance of, all sums not exceeding fifty dollars, the sum of five dollars; for all sums exceeding fifty and less than one hundred dollars, the sum of seven dollars and fifty cents; and for all sums exceeding the sum of one hundred dollars, the sum of ten dollars; and the said fees shall include all expenses incident

to the collection of said claims, except the expense of the necessary affidavits and notarial or other acknowledgments, which shall be defrayed by the claimant; and any agent or attorney who shall charge, directly or indirectly, in any case, a greater sum for his services for preparing and prosecuting said claims and collecting and remitting the amount due, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine not exceeding three thousand nor less than one thousand dollars, and shall forever be excluded from prosecuting military or naval claims against the Government.

SEC. 3. *And be it further resolved*, That in case the payments shall be made in the form of a check, order, or draft upon any paymaster, national bank, or Government depository, it shall be necessary for the claimant to establish, by the affidavits of two credible witnesses, that he is the identical person named therein; but in no case shall such checks, orders, or drafts be made negotiable until after such identification.

SEC. 4. *And be it further resolved*, That it shall not be lawful for any soldier to transfer, assign, barter, or sell his discharge, for the purpose of transferring, assigning, bartering, or selling any interest in any bounty under the provisions of said resolution; and all such transfers, assignments, barters, or sales heretofore made are hereby declared null and void as to any rights intended so to be conveyed by any such soldier.

[Claims under this and *all* laws relative to the payment of arrears of pay or bounty in case of *colored*

troops are to be made to the Second Auditor of the Treasury of the United States.]

Joint Resolution for the relief of certain officers of the army. Approved
July twenty-six, eighteen hundred and sixty-six.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case in which a commissioned officer actually entered on duty as such commissioned officer, but by reason of being killed in battle, captured by the enemy, or other cause beyond his control, and without fault or neglect of his own, was not mustered within a period of not less than thirty days, the pay department shall allow to such officer full pay and emoluments of his rank from the date on which such officer actually entered on such duty as aforesaid, deducting from the amount paid in accordance with this resolution all pay actually received by such officer for such period.

SEC. 2. *And be it further resolved,* That the heirs or legal representatives of any officer whose muster into service has been or shall be amended hereby, shall be entitled to receive the arrears of pay due such officer, or the pension provided by law for the grade into which such officer is mustered under the provisions of the first section of this resolution.

[Applications by discharged officers for the pay provided by this resolution should be filed with the Paymaster General United States Army. The claimant should state fully the circumstances why he was not mustered; that it was caused by no fault of his,

and that he entered upon and performed the duties of the grade. The declaration of the claimant should be corroborated by the certificate or affidavit of his commanding officer, or in case of his death, by the affidavit of his fellow officer.

If the claim is on behalf of *heirs* of a deceased officer, it should be sent to the Second Auditor of the Treasury.]

An Act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the armies of the United States. Approved July twenty-seven, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the army or navy, or any part of the army or navy, engaged in the suppression of the rebellion, from the commencement to the close thereof.

SEC. 2. *And be it further enacted,* That all claims of loyal citizens in States not in rebellion for quartermasters' stores actually furnished to the army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster General of the United States, accompanied with such proof as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster General to cause such claim to be examined, and, if convinced that it is just,

and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of, and used by, said army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

SEC. 3. *And be it further enacted*, That all claims of loyal citizens in States not in rebellion for subsistence actually furnished to said army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary General of Subsistence, accompanied with such proof as each claimant may have to offer ; and it shall be the duty of the Commissary General of Subsistence to cause each claim to be examined, and, if convinced that it is just, and of the loyalty of the claimant, and that the stores have been received or taken actually for the use of, and used by, said army, then to report each case for payment to the Third Auditor of the Treasury, with a recommendation for settlement.

[The provisions of the foregoing act were extended to the State of Tennessee by joint resolution approved July twenty-seventh, eighteen hundred and sixty-six.]

[All claims under the second section of this law are to be submitted to the Quartermaster General, United States army, with undoubted evidence of the justness of the claim, the loyalty of the claimant, and proof of identity. Claims under the third section to be submitted to the Commissary of Subsistence, with the same authority and evidence of loyalty.]

Commutation to loyal owners of slaves who enlisted in the armies of the United States. Approved July twenty-seven, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any money in the treasury, known as the "commutation fund," as may be necessary, be, and the same is hereby, appropriated for the payment to loyal persons claiming service or labor from colored volunteers or drafted men, the amounts heretofore or hereafter to be awarded them under the provisions of section twenty-fourth of the act entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved February twenty-fourth, eighteen hundred and sixty-four, for each person so claimed to be held to service or labor who has enlisted or been drafted into the military service of the United States; but such payment shall in no case be made to any person except upon satisfactory proof that the claimant has firmly and faithfully maintained his or her adherence and allegiance to the Government of the United States by defending its cause against the government of the so-called confederate States of America in all suitable and practicable ways, and according to his or her ability and opportunity: *Provided,* That no money shall be paid under the foregoing provisions until the final report of the commissioners under the act aforesaid shall have been made on all the claims embraced in the twenty-fourth section of said act.

[By the terms of section twenty-four, act approved

February twenty-four, eighteen hundred and sixty-four, it is provided that the Secretary of War shall appoint a commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation, not exceeding three hundred dollars. Claims arising under this law are to be submitted to the War Department.]

Equalization Bounty Bill. Approved July twenty-eighth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every soldier who enlisted in the army of the United States after the nineteenth day of April, eighteen hundred and sixty-one, for a period of not less than three years, and having served the term of his enlistment, has been honorably discharged, and who has received, or who is entitled to receive, from the United States, under existing laws, a bounty of one hundred dollars, and no more; and any such soldier enlisted for not less than three years, who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents in the order named, of any such soldier who died in the service of the United States, or of disease or wounds contracted while in the service, and in the line of duty, shall be paid the additional bounty of one hundred dollars hereby authorized.

SEC. 2. *And be it further enacted,* That to each and every soldier who enlisted into the army of the Uni-

ted States after the nineteenth day of April, eighteen hundred and sixty-one, for a period of not less than two years, and who is not included in the foregoing section, and has been honorably discharged after serving two years, and who has received or is entitled to receive from the United States, under existing laws, a bounty of one hundred dollars, and no more, shall be paid an additional bounty of fifty dollars; and any such soldier enlisted for not less than two years, who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents in the order named, of any such soldier who died in the service of the United States, or of disease or wounds contracted while in the service, and in the line of duty, shall be paid the additional bounty of fifty dollars hereby authorized.

SEC. 3. *And be it further enacted*, That any soldier who shall have bartered, sold, assigned, transferred, loaned, exchanged, or given away his final discharge papers, or any interest in the bounty provided by this or any other act of Congress, shall not be entitled to receive any additional bounty whatever; and when application is made by any soldier for said bounty, he shall be required, under the pains and penalties of perjury, to make oath or affirmation of his identity, and that he has not so bartered, sold, assigned, transferred, exchanged, loaned, or given away either his discharge papers or any interest in any bounty as aforesaid. And no claim for such bounty shall be entertained by the Paymaster General or other accounting or disbursing officer, except upon the receipt of the claimant's discharge papers,

accompanied by the statement, under oath, as by this section provided.

SEC. 4. *And be it further enacted*, That in the payment of the additional bounty herein provided for, it shall be the duty of the Paymaster General, under such rules and regulations as may be prescribed by the Secretary of War, to cause to be examined the accounts of each and every soldier who makes application therefor, and if found entitled thereto, shall pay said bounties.

SEC. 5. *And be it further enacted*, That in the reception, examination, settlement, and payment of claims for said additional bounty due the widows or heirs of deceased soldiers, the accounting officers of the Treasury, shall be governed by the restrictions prescribed for the Paymaster General by the Secretary of War, and the payment shall be made in like manner under the direction of the Secretary of the Treasury.

[This law creates a large number of claims, and in their examination and adjustment the accounting officer will require that the provisions of the third section of the law be *strictly* observed. All claims arising under this law in favor of the heirs of deceased soldiers, and *all* claims arising from the service of *colored* troops will be presented to the Second Auditor of the Treasury ; all by discharged soldiers will be presented to the Paymaster General.]

RULES AND REGULATIONS.

The following rules and regulations for the payment of bounties under the act to equalize bounties,

approved July twenty-eight, eighteen hundred and sixty-six, have been made by the War Department :

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
WASHINGTON, *September 16, 1866.*

1. All applications shall be filed within a period of six months from the first day of October, eighteen hundred and sixty-six, and before any payments are made shall be classified by regiments, battalions, or other separate organizations ; and no application filed after that period shall be settled until the former shall have been paid.

2. No application shall be entertained unless accompanied by the original discharge of the soldier and the affidavit required by the fourteenth section of the act, and the further affidavit that he has not received, nor is he entitled to receive, from the United States, under any laws or regulations prior to the act of July twenty-eighth, eighteen hundred and sixty-six, more than one hundred dollars bounty for any and all military service rendered by him during the late rebellion, over and above the amount therein claimed.

3. All applications for the additional bounty authorized by this act from surviving soldiers shall be in the form hereinafter prescribed, and the evidence of identity shall be the same as is now required, and applications from the heirs of deceased soldiers shall be in the form now required by the Treasury Department.

4. As soon as the examination of the claims of any regiment, or other independent organization, shall have been properly acted upon, the Paymaster General shall take the necessary steps for their prompt payment.

5. A register shall be kept in the Paymaster General's Office, and also in the office of the Second Auditor, of all claims presented under the laws, in which the claimants will be classified by regiments, &c. If the claims be allowed, the amount of bounty paid to each will be noted, and if rejected, the cause of rejection will be distinctly stated.

6. In the applications for bounty, as required by the third of these rules, the affidavit shall state each and every period of service rendered by the claimant, and also that he never served otherwise than as therein stated.

7. Organizations irregularly in the service of the United States, or called out for special purposes, as State militia, home guards, &c., and not included in the general bounty laws, are not included within the meaning of the act.

8. Soldiers enlisted for "three years or during the war," who were discharged by reason of the termination of the war, shall be considered as having served out the period of their enlistment, and are entitled to bounty under this act.

9. The minority of heirs, claimants for bounty under this act, must be proven to have existed at the date of its passage. Parents shall receive *jointly* the bounty to which they may be entitled as heirs, unless the father has abandoned the support of his family, in which case it shall be paid to the mother. Non-residence in the United States shall not be a bar to the claims of heirs who would otherwise legally inherit.

The provisions of the act exclude from its benefits the following classes :

1. Those who, after serving the full period of their enlistment, were dishonorably discharged at its expiration.

2. Those discharged during enlistment by way of favor or punishment.

3. Those discharged on account of disability contracted in the service, but not occasioned by wounds received "in the line of duty," who shall not have previously served two or three years respectively at the time of discharge.

4. Those discharged on account of disability existing at the time of their enlistment.

5. The heirs of those who have died since their discharge of wounds or disease not contracted in the service and in the line of duty.

6. The surviving soldiers and heirs of deceased soldiers who, under previous laws, have received or are entitled to receive a bounty of more than \$100 from the United States.

7. The surviving soldiers, as well as the heirs of deceased soldiers, when such soldiers have bartered, sold, assigned, loaned, transferred, exchanged, or given away their final discharge papers, or any interest in the bounty provided by this or any other act of Congress.

8. The act of the twenty-eighth of July, eighteen hundred and sixty-six, creates no right of inheritance beyond those

vested by the law under which these heirs received or were entitled to receive the original bounty, and debars certain classes, brothers and sisters of heirs that were entitled to receive the original bounty, from any claim for the additional bounty provided by this act.

Respectfully referred to the Attorney General for his opinion on the point whether the rules and regulations as within amended are in conformity with law.

EDWIN M. STANTON,
Secretary of War.

SEPTEMBER 14, 1866.

I have examined these amended regulations, and am of opinion they are in conformity with law.

HENRY STANBURY,
Attorney General.

SEPTEMBER 15, 1866.

The foregoing rules and regulations are published for the information and guidance of all concerned.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

This bounty is only payable in case of *deceased* soldiers to the *widow, children, and parents*; not payable to children who were not minors at date of the passage of the law, nor payable to the widow of the deceased soldier if she *remarried* prior to the passage of the law. And in case of *discharged* soldiers it will only be paid by the Paymaster General upon a proper application, *accompanied by the soldier's discharge certificate.*

• PENSION ACT OF JUNE 6, 1866.

INSTRUCTIONS AND FORMS.

INCREASE OF PENSIONS.

The supplementary pension act, approved June six, eighteen hundred and sixty-six, provides increased rates of pensions over those granted by the act of July fourteen, eighteen hundred and sixty-two, in the following cases, viz:

1. Twenty-five dollars per month to all those invalids entitled, under the act of July fourteen, eighteen hundred and sixty-two, to a lower rate of pension, on account of service rendered since March four, eighteen hundred and sixty-one, "who shall have lost the sight of both eyes, or who shall have lost both hands, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the constant personal aid and attendance of another person."

2. Twenty dollars per month to those invalids who, being entitled under like conditions to a lower rate of pension, "shall have lost both feet, or one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be

incapacitated for performing any manual labor, but not so much so as to require constant personal aid and attention."

3. Fifteen dollars per month to those invalids who, under like conditions, "shall have lost one hand or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or a foot."

In order to obtain the benefits of the foregoing provisions, pensioners already enrolled will file an application in accordance with form F, appended to this circular. Proof in addition to that on file with the previous application need not be forwarded except as shall be specially required in each case, after the application is received. The applicant need only be examined by a pension surgeon when expressly required, on due notice from this office. Applicants not already pensioned, who believe themselves entitled to the benefit of the foregoing provisions, will specifically set forth such claim in their declarations, carefully stating the nature of the disability on account of which such higher rate of pension is claimed. The declaration must be made before some officer of a court of record, or before a pension notary designated by this office, as provided by the third section of the act of July four, eighteen hundred and sixty-four.

The above specified increased rates of pension will be allowed only to those disabled since the fourth day of March, eighteen hundred and sixty-one, and will date only from the sixth day of June, eighteen hundred and sixty-six.

PENSIONS NOT ASSIGNABLE OR LIABLE TO ATTACHMENT.

The second and third sections of the act of June sixth, eighteen hundred and sixty-six, are applicable to all pensions granted under the various acts of Congress. By the provisions of the second section pensions are secured to the exclusive use and benefit of the pensioners. Any "pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension," is declared void and of no effect. Any person, other than the pensioner, who may receive any payment of a pension, is required to disclaim, under oath, any interest, by pledge, mortgage, sale, assignment, or transfer, in the money to be received, or any knowledge or belief that the same has been so disposed of to any person; and the penalty of perjury is affixed for falsely taking the oath so required.

The third section fixes a penalty for the offence of post-dating vouchers required in drawing pensions. It further provides that no pension money shall be "liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the pension office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled hereto, but shall inure wholly to the benefit of such pensioner."

FEES FOR DRAWING PENSIONS RESTRICTED.

The fourth section of the act prohibits, under penalty, the receiving of more than twenty-five cents for preparing the necessary vouchers for drawing a semi-

annual payment of any pension, and fixes the fee receivable by any pension agent for administering an oath to a pensioner, or to his attorney-in-fact, at fifteen cents.

PENSIONS CONTINUED TO PENSIONERS ENTERING CIVIL SERVICE.

The fifth section unconditionally repeals that provision of the act of March third, eighteen hundred and sixty-five, by which pensions were withheld from certain pensioners in civil employment under the Government. Persons desiring the benefit of this repeal will make application for a "renewal" of their pensions as in other cases, filing an examining surgeon's certificate showing their present disability, except in the case of those exempt from biennial examination. The restored pension will date only from the passage of this act.

INVALID PENSION CERTIFICATES ISSUED AFTER DEATH OF APPLICANTS.

The sixth section gives validity to a certificate issued after the death of an applicant for an invalid pension, if he left neither widow nor minor child entitled to a pension by reason of his death, provided the application was pending and the proof complete at the time of his death. This section is construed as retroactive in its operation, and consequently it applies to certificates already issued which come within the limitations specified, previous legislation having provided for the cases in which the deceased left a widow or minor children entitled to a pension on his behalf.

RANK RECOGNIZED WITHOUT MUSTER IN CERTAIN CASES.

The second section recognizes the rank conferred by a commission, so far as pensions are concerned, without an actual muster into such rank, provided the failure to be mustered was not through the neglect or refusal of the person commissioned. The proviso renders it necessary that, before an application involving this question is allowed, the reason why the officer was not duly mustered should be shown. The best proof will be the affidavit of the proper mustering officer, or of a superior officer having personal knowledge of the facts.

OFFICERS AND ENLISTED MEN ON SICK FURLOUGH.

Officers absent on sick leave, and enlisted men on sick furlough, are, in accordance with the eighth section, to be regarded in the same manner as if they were in the field or in hospital. This section will not be construed, however, as bringing within the intent of the pension laws any cause of disability or death altogether apart from the military or naval service, and resulting neither directly nor indirectly therefrom.

CONSTRUCTIVE EXTENSION OF THE PERIOD OF SERVICE.

The ninth section treats the period of service, in the army or navy, as extending to the date of the actual disbandment of the organization to which the party belonged, except in the case of discharge for

other cause than expiration of the term of service of such organization.

TEAMSTERS, ARTIFICERS, AND OTHER ENLISTED MEN,

Not embraced in the terms of the act of July fourteen, eighteen hundred and sixty-two, or of acts supplementary thereto, are, by the tenth section of the act of June six, eighteen hundred and sixty-six, included, in the administration of the pension laws, in the class of non-commissioned officers and privates.

MINOR CHILDREN TO BE PENSIONED, IN CERTAIN CASES, INSTEAD OF THE WIDOW.

The eleventh section provides that when any widow, entitled to a pension under previous acts, has abandoned the care of a child or children of her deceased husband, under sixteen years of age, "or is an unsuitable person, by reason of immoral conduct, to have the custody of the same," the pension shall be paid to the duly authorized guardian of such child or children, while under the age of sixteen years, and not to the widow. The proper proof in such case, as provided by this section, is the certificate of the judge of any court having probate jurisdiction "that satisfactory evidence has been produced before such court" to the effect above indicated. In presenting an application under this section, the guardians of the minor child or children will make a declaration in accordance with the appended form G.

PENSIONS GRANTED TO DEPENDENT FATHERS AND TO DEPENDENT ORPHAN BROTHERS.

By the twelfth section the provisions of the act of

July fourteen, eighteen hundred and sixty-two, are extended so as to include the dependent brother or brothers of a deceased officer, soldier, or seaman, and the dependent father of such deceased persons, under like limitations as apply in the case of dependent sisters and mothers; but not more than one pension is granted on account of the same person, or to more than one of said classes. The forms prescribed for the latter cases may be used, with obvious variations, in applications made by dependent fathers or on behalf of dependent brothers.

LIMITATIONS AS TO NUMBER AND DATE OF PENSIONS.

The thirteenth section declares that but one pension shall be granted to any person at the same time; and that when application is not made within three years after the death or discharge of the party on whose account a pension is claimed, such pension, if allowed, "shall commence from the date of filing the last paper in said case by the party prosecuting the same." This limitation applies to all classes of pensions.

EVIDENCE OF MARRIAGE OF COLORED APPLICANTS.

The fourteenth section provides that habitual recognition of the marriage relation between colored parties—that is, in the absence of the usually required proof—when shown by "proof satisfactory to the Commissioner of Pensions," shall be accepted as evidence of marriage, and the children of such parties shall be regarded as if born in lawful wedlock. When

the usual proof of marriage can be furnished, it will be required as heretofore. When only evidence of cohabitation and mutual recognition can be adduced, as provided in this section, the testimony of two credible and disinterested witnesses will be required, who must state how long they have been personally acquainted with the parties, and for how long a period the latter are known to have recognized each other as man and wife. If such acquaintance is deemed to be of too recent date to warrant the acceptance of this testimony, or if there is reason to doubt, in any instance, that the marriage relation existed in good faith, more specific instructions will be issued, adapted to the circumstances of the particular case.

ACT OF MARCH 3, 1865.

The first and third sections of the act of March three, eighteen hundred and sixty-five, -published herewith, are repealed by the act of June six, eighteen hundred and sixty-six. The second section provides that disabled acting assistant (or "contract") surgeons, in certain specified cases, and the widows or dependent relatives of such persons deceased, with like limitations, shall have the benefit of the pension laws. The fourth section provides for the allowance of pensions to minor children less than sixteen years of age, under certain circumstances not definitely provided for in previous acts. The limitations dependent on the date of application and of filing the last proof are to be construed in connection with the thirteenth section of the act of June six, eighteen hundred and sixty-six.

FORMS.

The additional forms, marked respectively F and G, commencing on the following page, should be strictly observed in the cases to which they are applicable.

JOSEPH H. BARRETT,

Commissioner of Pensions.

PENSION OFFICE, *June*, 1866.

F.

Form of application for the increase of an invalid pension under the first section of the supplementary pension act of June six, eighteen hundred and sixty-six.

STATE [TERRITORY OR DISTRICT] OF ———, } ss:
County of ———,

On this ——— day of ———, A. D. one thousand eight hundred and ———, personally appeared before me, [describing the official character of the person administering the oath,] A. B., aged ——— years, a resident of ———, [naming town and post-office address,] in the county of ———, and State [Territory or District] of ———, who, being duly sworn according to law, declares that he is a pensioner of the United States, duly enrolled at the ——— pension agency, at the rate of ——— per month, by reason of disability incurred in the military [or naval] service of the United States, [here state the company and regiment, if in the army, or the vessel and rank, if in the navy;] and that his present physical condition is such that he believes himself entitled to receive an increased pension of the ——— [first, second, or third] grade provided for in the first section of the supplementary pension act, approved June six, one thousand eight hundred and sixty-six. He further declares that he is disabled in the following manner, to wit: [Here the declarant will particularly set forth the nature of his disability, and the extent to which he is incapacitated for

manual labor, or dependent upon the personal aid and attendance of others.]

(Signature of declarant.)

Also personally appeared before me, at the time and place aforesaid, C. D., of ———, and E. F., of ———, whom I certify to be credible persons, who being duly sworn according to law, declare, each for himself, that they well know A. B., who signed the foregoing declaration in their presence; and that he is the identical person he represents himself to be, and that he is disabled substantially in the manner alleged in said declaration. They further swear that they, or either of them, have no interest in this claim, either present or prospective, and that they are not concerned, directly or indirectly, in its prosecution.

(Signatures of witnesses.)

Sworn to and subscribed before me this ——— day of ———, A. D. 18—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

—
G.

Form of application to be made by the guardian of a minor child or children, under the eleventh section of the act of June six, eighteen hundred and sixty-six.

STATE [TERRITORY OR DISTRICT] OF ———, } ss:
County of ———,

On this ——— day of ———, A. D. ———, personally appeared before me, ———, [describing the official character of the person administering the oath,] A. B., aged ——— years, a resident of ———, [naming town and post-office address,] in the county of ———, and State [Territory or District] of ———, who, being duly sworn according to law, doth on oath make the following declaration, as guardian of the minor child [or children] of ———, deceased, in order to obtain the benefits of the provision made by the eleventh section of the act of Congress approved June six, eighteen hundred and sixty-six,

granting pensions to minor children under sixteen years of age, of deceased officers, soldiers, or seamen, who have left a widow still surviving, the latter having abandoned the care of said children, or having been declared an unsuitable person to have charge of them. He further declares that he is the guardian of——, [naming the minor child or children, his ward or wards,] whose father was ——, [here describe the service of the deceased,] in the war of 1861, and that the said —— died at ——, on the —— day of——, in the year——, [here state the cause of death;] that the mother of the child [or children] aforesaid has abandoned the care, or is an unsuitable person, by reason of immoral conduct, [here state what specific conduct is referred to,] to have charge of the said child [or children;] and that the date of birth of his said ward [or wards] is as follows:

He [or she] further declares that the parents of his [or her] said ward [or wards] were married at ——, on the —— day of ——, in the year——, by——.

(Guardian's signature.)

Also personally appeared —— and ——, residents of ——, [county, city, or town,] persons whom I certify to be respectable and entitled to credit, and who being by me duly sworn, say that they were present and saw —— sign—— name [or make mark] to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant, and their acquaintance with ——, that —— is the identical person —— represents —— to be, and that they have no interest in the prosecution of the claim.

(Signature of witnesses.)

Sworn to and subscribed before me, this —— day of ——, A. D., 18—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

PENSION ACT OF JULY 25, 1866.

INSTRUCTIONS AND FORMS.

PROVOST MARSHALS, ENROLLING OFFICERS, AND OTHERS ENTITLED TO THE BENEFITS OF THE PENSION LAWS.

The first section of the act of July twenty-five, eighteen hundred and sixty-six, extends the benefits conferred by the pension laws to provost marshals, deputy provost marshals, and enrolling officers disabled in the line of their official duty as such, and to the widows or dependents of such officers in like manner.

Declarations will be made in accordance with the instructions issued under the pension act of July fourteen, eighteen hundred and sixty-two, and supplementary acts. The grade of such officers, for the purpose of determining the rates of pensions under this section, is fixed as follows: Provost marshals will rank as captains; their deputies as first lieutenants; and enrolling officers as second lieutenants.

INCREASED PENSIONS TO WIDOWS AND ORPHAN CHILDREN UNDER SIXTEEN YEARS OF AGE.

The second section of this act allows to those who are or shall be pensioned as widows of soldiers or sailors two dollars per month additional pension for each child (under sixteen years of age) of the deceased soldier or sailor by the widow thus pensioned.

On the death or remarriage of such widow, or on the denial of a pension to her, in accordance with the provisions of section eleven of the act of June six, eighteen hundred and sixty-six, the same amount to which she would otherwise be entitled, under this and previous provisions, is allowed to the minor children. The number and names of the children, with their ages, must be proved by the affidavits of two credible and disinterested witnesses. The provisions of this section only include the children of the widow, and not those of her deceased husband by a previous marriage. The widows of minor children of officers are not entitled to this increase. Declarations for an increase under this section, if for the widow, will be made in accordance with form H, appended to this circular; and if for minor children, according to form I. The pension certificate must be sent with all applications filed subsequently to September four, eighteen hundred and sixty-six.

INCREASE OF PENSIONS UNDER ACTS PRIOR TO JULY 4, 1862.

All pensioners under acts approved prior to July fourteen, eighteen hundred and sixty-two, are, by the third section of the present act, granted the same rights as those pensioned under acts approved at or since that date, so far as said acts may be applicable, with the exception of soldiers of the Revolution or their widows. This section applies only to pensioners who were such at the date of the approval of this act.

Declarations of claimants under this section will be made in accordance with the forms previously issued under act of July fourteen, eighteen hundred

and sixty-two, and subsequent pension acts, with the necessary modifications, and the pension certificates will be returned.

INVALID PENSIONS OF CLAIMANTS DYING WHILE THEIR APPLICATIONS ARE PENDING, THE EVIDENCE BEING COMPLETED.

The fourth section of this act is construed in connection with the tenth section of the act of July four, eighteen hundred and sixty-four, and the sixth section of the act of June six, eighteen hundred and sixty-six, to which it is supplementary. If an applicant for invalid pension dies while his claim is pending, the evidence having been completed, the pension, under the provisions of this section and of those sections of previous acts above referred to, is disposed of as follows:

1. If he left a widow, or minor child or children under sixteen years of age, or other dependent relatives, and died of wounds received or of disease contracted in the service or in the line of duty, no invalid pension certificate will issue, but such widow or dependent relatives will receive a pension, in their own right, taking precedence in the order prescribed by law in other cases.*

2. If the claimant left a widow or dependent relatives, but did not die of wounds received or disease contracted in the service and in the line of duty, so that neither widow nor dependent relatives would be entitled to a pension on his account, then the certificate will be issued in his name, and the pension paid

* See section 10, act of July 4, 1864.

to the widow or to the dependent relatives, as the case may be, in the same order in which they would have been pensioned, if entitled, as set forth in the preceding paragraph.

3. If the claimant left no widow or dependent relatives, the certificate will issue in his name, and the pension will be drawn by his executor or administrator.

CERTAIN ACCRUED RIGHTS RESERVED UNDER REPEALED EN-
ACTMENTS.

The fifth section reserves all rights that may have accrued under the fifth section of the pension act of July four, eighteen hundred and sixty-four, and the third section of the pension act of March three, eighteen hundred and sixty-five, though repealed by the first section of the act of June six, eighteen hundred and sixty-six.

WIDOWS REMARRYING WHILE THEIR CLAIMS ARE PENDING

Are entitled, under the sixth section, if their claims are otherwise valid, to receive pensions to the date of remarriage, if the deceased officer, soldier, or sailor on whose account they claim left no legitimate child under sixteen years of age.

JOSEPH H. BARRETT,

Commissioner of Pensions.

PENSION OFFICE, *August 4, 1866.*

H.

Form of a Widow's application for an increase of pension under the second section of the act of July twenty-five, eighteen hundred and sixty-six.

STATE (TERRITORY OR DISTRICT) OF ———, } ss:
County of ———,

On this ——— day of ———, A. D. ———, personally appeared before me, ——— of the ———, A. B., a resident of ———, in the County of ———, and State (Territory or District) of ———, aged ——— years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefit of the provision made by the second section of the act of Congress increasing the pensions of widows and orphans, approved July twenty-five, eighteen hundred and sixty-six: That she is the widow of ———, who was a ——— in company ———, commanded by ———, in the ——— regiment of ———, in the war of 1861; and that, by reason of his death in the service aforesaid, she has been granted a pension of eight dollars per month, in accordance with a certificate numbered ———, bearing date ———. She further swears that she has the following-named children of her deceased husband and herself, under sixteen years of age, who are now living, the dates of whose birth were as given below, to wit:

She further declares that she has not remarried since the death of her said husband, nor has she abandoned the support of any one of the children above named, nor permitted any one of the same to be adopted by any other person or persons as his, her, or their child.

My post-office address is as follows: ———.

(Declarant's signature.)

Also personally appeared ——— and ———, residents of (county, city, or town,) persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign her name (or make her mark) to the foregoing declara-

tion; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim.

(Signatures of witnesses.)

Sworn to and subscribed before me, this — day of —, A. D., 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

I.

Form of a Guardian's application for increase of pension under the second section of the act of July twenty-five, eighteen hundred and sixty-six.

STATE (TERRITORY OR DISTRICT) OF —, } ss.
County of —.

On this — day of —, A. D. —, personally appeared before me, — of the —, A. B., a resident of —, and State [Territory or District] of —, aged — years, who, being first duly sworn according to law, doth on — oath make the following declaration, in order to obtain the benefit of the provision made by the second section of the act of Congress increasing the pensions of widows and orphans, approved July twenty-five, eighteen hundred and sixty-six: That [he or she] is the guardian of [naming the minor child or children, ward or wards,] whose father was a — in company —, commanded by —, in the — regiment of —, in the war of 1861, and that the said [naming the father] died at —, on the — day of —, in the year —, [here state the cause of death:] that the mother of the child — aforesaid died [or again married, being now the wife of —] on the — day of —, in the year —; and that the dates of birth of the said [minor child or children, ward] or wards were as follows, to wit:

[He or she] further declares that the parents of the said (minor child or children, ward or wards) were married at —, on

the — day of —, in the year —, by — —;
and that the maiden name of their mother was — —.

My post-office address is as follows: — —.

(Guardian's signature.)

Also personally appeared — — and — —, residents of [county, city, or town,] persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw — sign her name [or make her mark] to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim.

(Signatures of witnesses.)

Sworn to and subscribed before me, this — day of —, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

PENSIONS IN STATES HERETOFORE IN INSURRECTION.

In resuming the execution of the pension laws in the several States heretofore in insurrection, the Secretary of the Interior directs that attention be called to the following act of Congress :

AN ACT authorizing the Secretary of the Interior to strike from the pension rolls the names of such persons as have taken up arms against the Government, or who may have in any manner encouraged the rebels. Approved February 4, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to strike from the pension rolls the names of all such persons as have or may hereafter take up arms against the Government of the United States, or who have in any manner encouraged the rebels, or manifested a sympathy with their cause.

In accordance with the provisions of this act, the names of all pensioners who have resided within the insurrectionary States during the rebellion, and whose pensions were payable at any one of the following places, viz: Richmond and Norfolk, Va.; Fayetteville and Morgantown, N. C.; Charleston, S. C.; Nashville, Knoxville, Jonesboro', and Jackson, Tenn.; Jackson, Miss.; New Orleans, La.; Savannah, Ga.; Jacksonville, Tallahassee, and Pensacola, Fla.; Hunts-

ville, Tuscaloosa, and Mobile, Ala.; and Little Rock and Port Gibson, Ark., are hereby dropped from the pension rolls. Persons heretofore receiving pensions at the above-named agencies, who still claim the benefits, of the pension laws, must make application for restoration to the rolls, with the requisite evidence, in accordance with the forms and instructions published herewith.

JOSEPH H. BARRETT,
Commissioner of Pensions.

JUNE 10, 1865.

Form of application for restoration to the pension rolls by persons whose names have been dropped under the act of February four, eighteen hundred and sixty-two.

STATE OF _____, }
County of _____, } ss:

On this _____ day _____, A. D. one thousand eight hundred and _____, personally appeared before me, [judge, clerk, or deputy clerk,] of the _____ court in said State and county, the same being a court of record, _____ A. B. _____, aged _____ years, a resident of _____, in the State of _____, who, being duly sworn according to law, declares that he [or she] is the identical _____ A. B. _____ who was a pensioner on the roll of the agency at _____, and whose pension certificate is herewith returned; that he [or she] has resided since the first day of January, A. D. eighteen hundred and sixty-one, as follows: [here name the place or places at which the applicant has resided;] that during this period, his [or her] means of subsistence have been [here name the employment or other means by which a livelihood has been gained; and that he has not borne arms against the Government of the United States, or [or she has not] in any manner encouraged the rebels, or manifested a sympathy with their cause; and that he [or she] was last

paid his [or her] pension on the ——day of ——, A. D. 18—.

This application is made for the purpose of securing a restoration of his [or her] name to the pension rolls, and of obtaining a new pension certificate, such as he [or she] may be entitled to under existing laws, reference being made to the evidence heretofore filed in the Pension Office to substantiate his [or her] original claim.

(Signature of applicant.)

Also personally appeared —— and ——, residents of, [county, city, or town,] persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw —— sign his [or her] name [or make his mark] to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with him, [or her,] that he [or she] is the identical person he [or she] represents himself [or herself] to be; and they further swear that they have no interest in the prosecution of this claim.

(Signatures of witnesses.)

Sworn to and subscribed before me, this ——day of——, A. D. 18—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

INSTRUCTIONS.

If the declarant, or any witness, signs by mark, the officer must certify that the contents of the paper were made known to the affiant before signing.

In every case the declaration or affidavit must either be signed by the affiant's own hand or else by mark (X.) Signing by another hand, when the party is unable to write, is wholly inadmissible.

The allegations made in the applicant's declaration must be sustained by the testimony of two credible and disinterested witnesses, to be certified as such by the officer before whom the testimony is taken.

The applicant must also take and subscribe the oath prescribed in the recent amnesty proclamation of the President of the United States, filing such oath with the application for a new pension certificate, in the following terms :

I, ———, do solemnly swear [or affirm] in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves: So help me God.

If the applicant be an invalid pensioner, he must be examined by an army surgeon, or by a surgeon duly appointed by this office, as to the continuance of his disability. If a widow, she must prove, by two credible witnesses, her continued widowhood. If the guardian of a minor child, newly appointed, he must file evidence of his appointment as such.

GENERAL RULES AND REGULATIONS TO BE OBSERVED IN THE PREPARATION OF PENSION CLAIMS.

When application is made by guardian in behalf of minors, the date of the birth of the wards must be proved by a duly-authenticated copy of the public record of the same, or by the affidavit of the attending physician, or of other credible witnesses who have knowledge of the facts.

Proof of relationship, and of the date of the mother's death or remarriage, and whether the wards named in the declaration are the only legitimate children of the deceased soldier, who were under sixteen years of age at the time of his death, must be furnished.

The witnesses called to testify to any fact in the prosecution of a claim for pension should, if possible, be other than near relatives of the claimant. They must swear they have no interest in the application; their credibility must be certified; and, if they sign by mark, their signatures must be duly witnessed. The person administering the oath must certify that he is disinterested, and that the affiants, if they sign by mark, knew the contents of the paper or papers before signing; and his signature and official character must be duly authenticated under the seal of a court of record.

The cause and date of the soldier's death must be

fully established, in accordance with the following instructions :

If the death resulted from *wounds or other injury*, the nature of such injury, and the particular circumstances under which it was received, with the date, should be fully shown, by the certificate of some commissioned officer in actual service, or by his affidavit if he be out of service, he being careful to state the source of his information. But if the soldier died of *disease, medical* testimony as to its nature and origin must, if possible, be furnished; and if the disease was of such a character that it might have existed prior to enlistment, or have been induced or aggravated by the personal habits of the soldier, the evidence showing whether such was the case should be full and definite. The statements of *civil* surgeons and physicians must be verified by oath, their professional standing being certified.

If it be shown that the testimony above referred to cannot be obtained, the facts may be proved by the affidavits of other credible persons having the requisite knowledge, and stating their means of information.

If the soldier died away from his regiment, (unless discharged or in hospital,) his furlough, or other official paper showing cause for such absence, must be furnished; and also proof as to his physical condition from the time of leaving the regiment to the date of death.

In all cases deponents should state as to their interest in the claim, and their credibility should be authenticated.

Reference to the Second Auditor of the Treasury for evidence filed in applications in his office will not be made by this office, unless the date of the filing of the claim containing it, or the number of the certificate issued in the case, be given; nor unless the character of the evidence be particularly stated, and it be such as would be, if obtained, sufficient proof of the fact sought to be established, under the rules of this office.

In pension claims of disabled persons, it is necessary that a certificate should be provided, if possible, from his captain, or some other commissioned officer having personal knowledge of the facts, setting forth the time when, place where, and circumstances under which, the injury was received, or the disease contracted, which is the cause of the claimant's alleged disability. If the officer certifying is not in actual service, he must make oath to his certificate, his credibility being certified; and the signature and official character of the person administering the oath must be authenticated under the seal of a court of record.

In cases of this kind, this office must insist on a strict compliance with the requirements of the Army Regulations in the certificates of commissioned officers, and they must testify from personal knowledge.

The language of the requirement referred to is as follows:

The company commander will here add a statement of all the facts known to him concerning the disease or wound, or cause of disability of the soldier; the time, place, manner, and all the circumstances under which the injury occurred or disease originated or appeared; the duty, service, or situation of the soldier at the time the injury was received or disease contracted; and whatever facts may aid a judgment as to the cause, immediate or remote, of the disability, and the circumstances attending it.

In such cases it must be particularly stated how the applicant was affected and appeared at the time of incurring the alleged injury or exposure, and immediately subsequent thereto; otherwise his application cannot be further considered by this office.

Declarations must be made before a court of record, or before some officer of such court duly authorized to administer oaths, and having custody of its seal; and the officer administering the oath must sign his own name to the certificate of the fact, and not by deputy. The identifying witnesses must appear with the claimant before the officer above named. The claimant must state particularly the time when, place where, and the circumstances under which the alleged disability originated or appeared. *Testimony* may be taken before a justice of the peace, but in no case will any evidence be received that is verified before an officer who has any interest in the prosecution of the claim. The post-office address of the claimant must be distinctly stated, and in large cities the street and number of his residence are desired.

The fact of marriage must be proved : 1st, by a copy of the church or other public record, verified by the affidavit of the proper custodian thereof; or, if he be a civil officer having a seal, the verification may be his certificate only, made under such official seal; or, 2d, by the original certificate of marriage, authenticated by the affidavit of the officiating minister or magistrate; or, in the absence of such certificate, by his affidavit alone; or, 3d, by the testimony of two or more eye-witnesses of the ceremony; or, 4th, by a duly verified copy of the church record of the baptism of some child of the parties; or, 5th, by the testimony of two or more witnesses who know the parties to have lived together as man and wife, and who can state the longest period of such known cohabitation.

The above classes of evidence are arranged in the order of their comparative value, that first named having the greatest weight. Before evidence of a secondary character can be accepted, it must be shown, by competent testimony, that better proof does not exist, or cannot be obtained

If, upon an examination of a pensioner by an official surgeon, his disability is found to have increased, he should make an application, stating briefly, under oath, his military service; when, where, and how disabled; when discharged; the rate per month of his pension; the agency at which paid, and return the original certificate.

The rules of this office require that every application for the removal of a certificate of discharge from the files of this office shall be accompanied by a written request, signed by the applicant for pension, or the pensioner, as the case may be.

N. B.—Endorse the words "*Additional Evidence*" upon the envelope of all papers addressed to this office upon business already before it; also the number of application to which they refer, and the name of the claimant, and of the State where she resides.

GENERAL INSTRUCTIONS IN RELATION TO BOUNTY, ARREARS OF PAY, &c.

Bounty is a gratuity by Government, and is payable to heirs only in a prescribed order of inheritance. It is consequently no part of an estate and cannot pass by devise, except in certain cases where bounty is payable to the soldier in *installments*, and an installment has accrued. Any such accrued installment partakes of the nature of arrears, and may pass by will, or be paid to heirs generally the same as arrears of pay. Bounty is forfeited by desertion, and if, in the settlement of a claim in case of a deceased soldier, his name is borne on the "muster" and pay rolls as a deserter, no bounty will be allowed by the accounting officer. If in case the heirs claim that the soldier was not a deserter, and that his name is erroneously borne on the muster rolls as a deserter, the evidence to establish the fact of such error upon the rolls must be submitted to the Adjutant General United States Army, and if deemed satisfactory by him, he will cause the rolls to be amended and the charge of desertion removed. This done, and the bounty will be allowed.

By section eleven of the act approved March third, eighteen hundred and sixty-five, it is provided " that the bounty of one hundred dollars provided by present laws to be paid the heirs of volunteers killed in battle shall be extended to the widow if living, or if she be dead to the children of any volunteer who

shall have been or may be killed in the service, whether he shall have enlisted for two years or for a less period of time." This section applies only to the widow or children of such soldiers as enlisted into the service of the United States; and as the Secretary of War has decided that the nine and three months' troops were State militia, and not United States volunteers, no bounty can be paid in cases of this class of soldiers. The law of July fourth, eighteen hundred and sixty-four, provides that a bounty of one hundred dollars shall be paid to the soldier enlisting for one year, two hundred dollars for two years, and three hundred dollars for three years; and that one-third of the bounty shall be paid at time of muster, one-third when the service is half completed, and one-third at the expiration of the term of service. Therefore, when a soldier dies in the service who enlisted under this act, and after any installment of bounty has accrued, and before such installment has been paid, the right to such accrued installment vests in the next of kin at the death of the soldier, and is considered and paid by the accounting officers in the same manner as arrears of pay: but such installments of bounty as had not accrued are payable only to "the widow, if there be one, or if there be no widow, to the children of the deceased soldier, and in case there be neither widow nor children, then to the mother, provided she be a widow." Neither men drafted or their substitutes are entitled to any bounty under the act of July fourth, eighteen hundred and sixty-four, consequently their heirs are not entitled; but men drafted under the act of March third, eighteen hundred and sixty-

three, or their substitutes, are entitled to the bounty of one hundred dollars, if they serve two years, and are honorably discharged, or discharged on account of wounds received in the line of duty. And in case of their death in the service, their heirs are entitled.

All discharged soldiers (except colored troops) who have not lost their discharge papers, and claim that the bounty to which they were entitled at the time of discharge has not been paid, should direct their claims to the Paymaster General United States Army. But *all* claims in cases of colored troops, and in cases of lost discharge papers, should be sent to the Second Auditor of the Treasury.

So in all cases of discharged soldiers who claim *advance* bounty, or where men have been discharged upon imperfect papers, or have been partially paid, the claim should be filed with the Second Auditor.

Whenever an application is made by the widow of a soldier, she will clearly identify herself as the widow of the identical soldier of such a company and regiment, who died at such a place and time. Record evidence of marriage must accompany the application if it is in existence. If record evidence of marriage cannot be procured it should be so stated in the declaration, and then a certificate of marriage furnished, first by the officiating clergyman or officer, second by affidavit of parties present at the ceremony. In case this class of evidence cannot be furnished, then there should be furnished the testimony of parties *competent* to testify that the parties lived together as husband and wife — years, bore that relation by all who knew them, were so considered by the community generally, and that the result of

such cohabitation was the birth of — children aged — years and named —. Such parol evidence of marriage must be by parties well acquainted with the history of the family.

If the claim is by the children, the fact and date of the mother's (wife of the soldier) death must be established, and the names and ages of all the children given. The minors will apply through a duly appointed guardian, with letters of guardianship attached, and if there be adult children they will also apply in conjunction with the guardian of the minors. If by the father, he will show that the soldier left no widow or child, and that he has not abandoned the support of his family. If by the mother, she will show that the soldier left no widow, child, or father, or in case the father is living, she will clearly show the time and cause of abandonment of the support of his family, that such abandonment was not caused by any fault of hers, and that she thereafter had the care and custody of the children. In case the father is living and insane, or *non compos*, application will be made by his legally appointed guardian; or in case of divorce and the mother claims, she will file the decree of divorce and show that she had the care and custody of the children after divorce. If the claim is by brothers and sisters, it will be shown that the soldier left no wife, child, father, mother, or *other* brothers or sisters. Minors to apply through a guardian.

The widow or children of a soldier, whether resident or non-resident, are entitled to bounty, but in no other case, except where an installment of bounty had accrued at the time of the soldier's death. If a

soldier dies leaving a father non-resident and brothers and sisters resident, the father is entitled to all arrears of pay and accrued bounty, and the brothers and sisters to the other bounty; or in case there be resident and non-resident brothers and sisters, and no father or mother, the non-resident heirs are entitled to their proportionate share of arrears of pay. The applications of resident and foreign heirs should be filed together, with indubitable proof that the claimants are the only representatives. Bounty may be paid to resident brothers and sisters when the arrears of pay is payable to the non-resident father or mother, but in such cases the evidence that such brothers and sisters are the only brothers and sisters must be indubitable and gathered from witnesses who are acquainted with the genealogical history of the family.

Applications by non-resident heirs must be authenticated by the certificate and seal of the United States consular agent.

If habitual drunkenness on the part of the father, so as to incapacitate him for contributing anything towards the support of his family, be proven by responsible witnesses, the bounty will be awarded the mother.

And in case the wife of a soldier abandons him and remarries, or violates her marriage obligation by a lewd and adulterous life, she forfeits her right to the pay and bounty for her husband's services. Bounty is forfeited by desertion by operation of law. So is bounty and arrears of pay in case a soldier is convicted of the crime of felony by civil authority, and his services thereby withdrawn from the Gov-

ernment. Bounty cannot be paid to the heirs of a soldier whose contract of enlistment has been terminated by death resulting directly from his own criminality.

Claims by heirs more remote than brothers and sisters should be made by one of the heirs as administrator, appointed by and with the consent of all the other heirs equally entitled.

Letters of administration must be attached to the application.

Administration if necessary in any other case will be directed by the Auditor.

Where a claim involving a greater amount than one hundred dollars has been audited and treasury certificate issued, but pending the settlement the claimant dies, the certificate is deemed as assets of deceased claimant's estate, and may be paid to the administrator upon his satisfying the paymaster that he is the duly appointed administrator. If the amount of the certificate is less than one hundred dollars, it may be returned to the office with proof of claimant's death, and a new certificate will issue to the next heir, if within the degree of brother or sister to the soldier.

When a claim is received it is registered in the order of its reception upon the general registry of the office, then entered upon the special registry, wherein it is given its alphabetical place in name, company, regiment, and State to which the soldier belonged; then passed over to a board of examiners, whose duty it is to see that the application is correct in form, and to advise the claimant or his attorney of the result of this examination. Should the

application be found defective in form, the party filing the same is immediately notified thereof, and requested to furnish such evidence as will remedy the defect ; but if it is found correct, or whenever made so by supplementary evidence, the claim is placed upon the receiving files of the office, to be taken up and finally settled in its turn according to the date of the soldier's death or discharge. When the claim is found to be correct in form, the party so filing is notified, and no further correspondence need transpire in relation thereto, for the claim will certainly be taken up in its order for settlement ; and should further evidence then be required, the parties will be notified accordingly.

Claims are all examined and audited by the Second Auditor, who reports the amount of indebtedness to the Second Comptroller by treasury certificate, with the vouchers sustaining the account. The Comptroller re-examines, and if he finds correct, confirms the same. This action of the Comptroller is final, and the account cannot be reopened except by the consent of the Comptroller, and then upon the presentation of *new* and *material* facts, or the discovery of errors in calculations.

Errors for or against the claimant are to be corrected. But where the error is not greater than twenty cents the practice is not to notice it.

These certificates to soldiers or their heirs are drawn payable to claimant or his order, and are to be paid by any paymaster in the district of claimant's residence. The receipt and assignment, if assignment is made, must be witnessed and executed in the manner prescribed in the body of the certificate. Pay-

masters should see that the directions on the face of the certificate are fully complied with.

Claims filed in the Second Auditor's office should be complete in themselves, and not dependent upon proofs filed in a claim at some other office; for instance, a claim is filed at the Second Auditor's for bounty or arrears of pay, and one at the Pension Office for pension, both by the widow of the soldier. The proof of marriage should be (if possible) complete in each claim. In case a claim is made at each office in behalf of a discharged soldier, his discharge certificate cannot be filed with but one claim. Consequently the settlement of the claim not having the discharge attached must be deferred until the other is adjusted. Evidence furnished one office is not returned to claimant to present to another, but is furnished by one office direct to another upon the request of its head. No evidence that is deemed absolutely essential in establishing a claim can be withdrawn from an office, as it is the guarantee of the accounting officer, and a part of the records of the office.

When an account is presented against the United States which purports to have been due for the term of twenty-eight years, the legal presumption arising from the lapse of time is that the account has been paid, and unless such presumption can be removed, the account will be disallowed.

All accounts whatever against the United States shall be adjusted and settled in the Treasury Department, it being the duty of the Comptroller to receive and make *final* decisions on them. The powers and duties of the Comptroller do not depend at all upon his rank, but are conferred upon him by law; nor is

he precluded by the rank of another, however exalted, from critically examining and passing upon his official acts in relation to public expenditures and accounts.

In disallowing any voucher or item of an account the cause should be distinctly set forth by the Auditor disallowing the same, which is the invariable practice of all the offices.

Whenever occasion is had to address the office in relation to claims for arrears of pay and bounty on file in the office, particular care should be taken to give the name of the soldier, the company, and number of the regiment to which he belonged, and the time of his death or discharge; also the date of forwarding the claim, the name of the party forwarding it, and the particular nature of the claim.

No information in relation to claims on file will be given except to the claimant or the legal attorney in the case, unless the request is made by some United States officer, or by some party known to Government as desiring the information for the benefit of the claimant, and to bring wrong-doers to justice. Whenever any claimant has good reason to believe that his attorney has acted in bad faith, and charged exorbitant fees, he should so report to the office. The heads of all the departments and bureaus will always be found willing and ready to take any action that will give security and protection to honest claimants.

Attorneys or claim agents will not be recognized by the departments as entitled to prosecute claims against the Government and receive treasury certificates unless they shall have taken out license under the excise law, and furnished the departments evidence

of having been so licensed. When certificates are sent them, they are expected by the departments to exercise due caution in passing over or transferring them to the payees, that no improper person may get the custody of such certificates. In case of malpractice by attorneys or claim agents in the prosecution of any claim against Government, or the violation of any law or provision regulating fees, their names will be stricken from the list of recognized agents, and proceedings instituted for their prosecution. The authority of an attorney terminates with the death of his principal, unless the power be coupled with an interest, which cannot be the fact in pension cases.

In making application to the office of the Second Auditor for the additional bounty provided by the act of July twenty-eighth, eighteen hundred and sixty-six, the form of the application will be substantially the same as that heretofore used in applying for arrears of pay and bounty, with the exception that the specific nature of the claim should be stated and the number of the certificate issued in the original settlement given. The omission of the number is not material to the settlement, but should be given to aid the office in referring to the first settlement.

For further information in regard to the construction of the law of July twenty-eighth, eighteen hundred and sixty-six, and the rules and regulations, reference is made to the report of the War Department, following the law.

Sutlers, in making application for any amount claimed to be due them as sutlers, will give a list of

the soldiers indebted to them, the company and regiment to which they belonged, the amount due from each, and the time the debt was incurred. They will also state whether the soldiers were deserters, dead, or discharged, giving the dates of desertion, death, or discharge. Attached to the account must be the affidavit of the sutler that it is correct and honestly due, and that no part of it whatever has been received.

The following instructions are published for the guidance of officers applying to the Second Auditor's office for information as to the course to be pursued in order to obtain a settlement of their property accounts.

Officers are notified that it is useless to apply for a certificate of non-indebtedness until all returns for clothing, camp and garrison equipage, and ordnance and ordnance stores, for the entire period of responsibility, have been forwarded to the Quartermaster General's and Ordnance Offices, and letters obtained acknowledging the receipt and transmittal of said returns to this office.

On receipt of the Quartermaster-General's letter of transmittal and the certificate of non-accountability from the Chief of Ordnance, the officer must remit both to the Second Auditor, with a request for the settlement of his accounts, giving his name, rank, regiment, company, and address in full, the period of responsibility, and for what kind of property the responsibility was incurred.

If an officer has never been accountable for clothing, camp and garrison equipage, or ordnance and ordnance stores, it is required by the Quartermaster

General's and Ordnance Offices that an affidavit should be made and forwarded to those offices, stating the fact of his non-responsibility, upon which certificates of non-accountability will be issued. The officer will forward these certificates to this office, with a letter of request for a certificate of non-indebtedness, giving post-office address, &c., in full, when his request will receive immediate attention.

If in the settlement of property accounts an officer is found to be indebted to the United States, he is charged with the amount and notified thereof. The officer will then forward to the Second Auditor a paymaster's receipt for the amount, or voucher for the discrepancy, when he will be relieved from the charge, and a certificate of non-indebtedness is then issued. Or, if the officer has not been paid in full, he will so state, and the amount of the charge will be placed upon his certificate and be deducted by the paymaster at final payment.

In the settlement of claims in the case of *deceased officers* it is frequently found that the officer is charged with quartermasters' stores. The claimants are notified of this fact, and unless the charges are removed the amount is deducted by the Second Auditor in his settlement to the heirs. All correspondence and evidence for the purpose of removing such charges should be sent to the *Third* Auditor of the Treasury. When the charges have been removed the claimants will send the evidence of such removal to the Second Auditor, when the claim is again taken up for settlement.

RULES AND REGULATIONS PERTAINING TO THE THIRD AUDITOR'S OFFICE.

The following rules in relation to claims for property lost in the military service of the United States are published for the information of all concerned :

I.—Rules in relation to claims for the payment of horses and equipage lost or destroyed in the military service of the United States under act of March third, eighteen hundred and forty-nine.

By the first section of the law it is enacted : That any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the eighteenth of June, eighteen hundred and twelve, or who shall hereafter be in said service, and has sustained or shall sustain damage, without any fault or negligence on his part, while in said service—

1st. By the loss of a horse in battle ;

2d. By the loss of a horse wounded in battle, and which has died or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer and lost ;

3d. By the loss of a horse by death or abandonment, because of the unavoidable dangers of the sea, when on board a United States transport vessel ;

Because the United States failed to supply transportation for the horse, and the owner was compelled, by order of his commanding officer, to embark and leave him ;

In consequence of the United States failing to supply sufficient forage ;

Because the rider was dismounted and separated from his horse, and ordered to duty on foot at a station detached from his horse ;

When the officer in the immediate command ordered, or shall order, the horse turned out to graze in the woods, prairies, or commons, because the United States failed, or shall fail, to supply sufficient forage, and the loss was or shall be consequent thereof ;

4th. By the loss of necessary equipage in consequence of the loss of his horse as aforesaid ;

Shall be allowed and paid the value thereof, not to exceed two hundred dollars :

Provided, That if any payment has been or shall be made to any one aforesaid for the use and risk, or for forage, after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied, or shall satisfy, the paymaster at the time he made or shall make the payment, or thereafter show by proof that he was remounted ; in which case the deductions shall only extend to the time he was on foot : *And provided also*, If any payment shall have been, or shall hereafter be, made to any person above mentioned, on account of clothing to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements.

RULES OF EVIDENCE.

To establish a claim under the foregoing provisions, the claimant must furnish the evidence of the

officer under whose command he was serving when the loss occurred, if alive, or, if dead, then the next surviving officer, describing the property, the value thereof at the time of entering the service, the time when, place where, and manner in which the loss occurred, and whether or not it was without any fault or negligence on the part of the claimant. The claimant must himself state the facts above required, and also whether or not he has received from any officer or agent of the Government a horse or equipage in lieu of that lost by him, or any compensation for the same; also whether the horse or equipage lost had not been furnished by the United States or purchased from some quartermaster; and if so, the name of the officer from whom purchased and the price paid therefor. If the property was appraised at the time the same was taken into the United States service, the original valuation list or certified statement of the value as appraised should be furnished.

In cases where the loss is alleged to have occurred "because the United States failed to furnish transportation for the horse, and the owner was compelled, by order of his commanding officer, to embark and leave him," the affidavit of the claimant must, in addition to the declaration above mentioned, declare "that he did, in obedience to the order of his commanding officer, leave said horse and equipage, and that he never sold or otherwise disposed of said horse or equipage, and never received any compensation for either from any person whatever;" and this must be corroborated by the officer who gave the order.

In all cases where the claim extends to *equipage*,

the several articles of which the same consisted, and separate value of each, must be specified.

In no case can the foregoing evidence be dispensed with, unless the impracticability of producing it be clearly proved; and then the nearest and best other evidence of which the case is susceptible must be furnished in lieu thereof.

All evidence other than the certificates on honor of officers who, at the time of giving them, were in the military service of the United States, must be sworn to before some judge, justice of the peace, or other person duly authorized to administer oaths, and of which authority proof should accompany the evidence.

All claims under the provisions of this act must be presented to the office of the Third Auditor of the Treasury Department.

II.—*Rules in relation to claims for the payment of horses, mules, oxen, &c., in the military service of the United States by impressment or contract, the risk of which was assumed by the United States, and which shall have been lost or destroyed, as specified.*

The second section of the law relates to property in the military service of the United States by *impressment* or *contract*, and is as follows:

“That any person who has sustained or shall sustain damage, by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service of the United States,

either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner; and any person who has sustained or shall sustain damage, by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage; and any person who has lost, or shall lose, or has had, or shall have, destroyed, by unavoidable accident, any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service aforesaid, shall be allowed and paid the value thereof at the time he entered the service: *Provided*, It shall appear that such loss, capture, abandonment, destruction, or death, was without any fault or negligence on the part of the owner of the property, and while it was actually employed in the service of the United States."

To establish a claim under this provision, it is necessary to produce the testimony of the officer or agent of the United States who *impressed* or *contracted for* the service of the property mentioned in such claim, describing the property, showing when and in what manner it was taken into the service, the reasons and necessity therefor, the manner in which it was employed, and the value thereof when taken into the service. The officer in whose charge the property was at the time of loss must also state the time, place, and manner in which the loss happened, and whether or not it was sustained without any fault or negligence on the part of the owner. In cases where the property was in the service by *con-*

tract, the rate of compensation to be allowed must appear, and also whether or not the risk to which it would be exposed was agreed to be incurred by the owner ; and in cases of horses, mules, or oxen lost for want of forage, whether the same was to be furnished by the owner or by the United States.

Each claim must be accompanied by a deposition of the claimant, declaring that he "has not received from any officer or agent of the United States any horse, mule, wagon, cart, &c , (as the case may be,) in lieu of the property lost, nor any compensation for the same," nor any certificate of indebtedness or certified voucher therefor on which payment has or might be made. The claim must be supported by the original valuation list if the property was appraised at the time of being taken into the United States service ; if no appraisement was made, the best attainable evidence as to the value thereof may be received.

All evidence other than the certificates of officers who, at the time of giving them, were in the military service of the United States, must be sworn to before some judge, justice of the peace, or other person duly authorized to administer oaths, and of which authority proof should accompany the evidence.

In no case can the production of the evidence above described be dispensed with, unless the impracticability of producing it be clearly proved ; and then the nearest and best other evidence of which the case is susceptible must be furnished in lieu thereof.

III.—*Rules in relation to claims for steamboats and other vessels, and railroad engines and cars, lost or destroyed while in the service of the United States by impressment or contract.*

By the second section of "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March third, eighteen hundred and forty-nine, it is enacted as follows:

"That any person who has sustained or shall sustain damage, by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, *either by impressment or contract*, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner; and any person who has sustained or shall sustain damage by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage; and any person who has lost, or shall lose, or has had, or shall have, destroyed, by unavoidable accident, any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service aforesaid, shall be allowed and paid the value thereof at the time he entered the service: *Provided*, It shall appear that such loss, capture, abandonment, destruction, or death, was without any fault or negligence on the part of the owner of the property, and while

it was actually employed in the service of the United States."

By the fifth section of "An act to promote the efficiency of the Corps of Engineers and of the Ordnance Department, and for other purposes," approved March third, eighteen hundred and sixty-three, it is enacted:

"SEC. 5. *And be it further enacted*, That section two of the act approved March three, eighteen hundred and forty-nine, entitled 'An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States,' shall be construed to include the steamboats and other vessels, and 'railroad engines and cars,' in the property to be allowed and paid for when destroyed or lost under the circumstances provided for in said act."

To establish a claim for a steamboat or other vessel under the above provision, it will be necessary to produce the following testimony:

If the steamboat or vessel was in the service of the United States by *contract*, the charter-party, or a certified copy thereof, must be filed with the evidence in support of the claim.

It must be shown in what particular branch of the military service the boat was engaged—whether transporting troops, freight, or otherwise; and whether or not the risk to which it would be exposed was agreed to be incurred by the owner.

If in the service by *impressment*, the evidence of the officer by whom the impressment was made must be furnished, showing when and where such impressment was made; by what authority or under whose

order; the reasons therefor; and whether such boat was, at the time of loss, actually employed in the transportation of troops, supplies, or otherwise in the military service of the United States.

Complete evidence of ownership must be furnished. The owners must state when, where, and from whom the boat was purchased, and the price paid. The names and residences of all the owners must appear, together with their separate interests therein. The bills of sale, or certified copy thereof, must accompany the papers.

A complete description of the boat must be given, showing when and where the same was built; the trade in which she was employed previous to being taken into the United States service; her capacity for freight and passengers; the number, description, and power of engines; the number and size of boilers; extreme length and width, number of decks, depth of draught; whether side or stern wheels; and the last certificate of inspection, or a certified copy thereof, must also be furnished.

Evidence must be furnished showing the particular circumstances attending the loss, when and where it occurred; also whether the loss was total or only partial; and if the latter, the extent of damage done.

A statement must be furnished showing the respective payments made, by officers or agents of the United States, for or on account of the services of said vessel or steamboat, during the time she was employed in the service prior to the loss thereof.

The owners in each case must make affidavit that they have not, by themselves or agents, received

from any officer or agent of the United States any property in lieu of that lost or destroyed, nor any compensation for the same, nor any certificate of indebtedness or certified voucher therefor on which payment has been or might be made. The owners must also state what insurance, if any, was had on such vessel or boat; the names of the companies in which insured; the amounts thereof, and the payments received therefrom.

Each witness must state his place of residence and business, and his opportunities for knowing the facts concerning which he testifies. All evidence must be sworn to before some officer authorized to administer oaths, and duly authenticated.

RAILROAD ENGINES AND CARS.

The evidence to substantiate claims of this description should be, as far as applicable, the same as is required in the case of steamboats and other vessels. Claims for losses occurring from casualties while engaged in the transportation of troops, supplies, &c., and where the roads, machinery, &c., are in the possession and management of the agents of the railroad, are not embraced in this class of cases.

In no case can the foregoing evidence be dispensed with, unless the impracticability of producing it be clearly proved; and then the nearest and best other evidence of which the case is susceptible must be furnished in lieu thereof.

By order of the Secretary of War :

E. D. TOWNSEND,

Assistant Adjutant General.

By an act to amend an act entitled "An act to provide for the payment of horses and other property destroyed in the military service of the United States," approved June twenty-five, eighteen hundred and sixty-four, public one hundred and twenty-six, it is provided: That the act to which this is an amendment shall, from the commencement of the present rebellion, extend to and embrace all cases of the loss of horses by any officer, non-commissioned officer, or private, in the military service of the United States, while in the line of his duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private was, or shall be, ordered by his officer to surrender to the enemy, and such capture was or shall be made in pursuance of such surrender.

To establish a claim under this amendment, the claimant must furnish the evidence of his commanding officer, showing, in addition to what is required in other cases of loss, that the surrender was made in pursuance of his order, or by the order of the officer in command of the post or body of troops surrendered, and that the loss was in consequence of such surrender. In cases of loss by capture in battle other than by surrender, no claim will be paid except upon the evidence of the commanding officer that the loss was sustained while the claimant was in the line of his duty, and without any fault or negligence on his part. When, by reason of the death, capture, imprisonment, or absence of the commanding officer, his certificate as above required cannot be obtained, then, upon proof thereof, the nearest and best other

evidence of which the case is susceptible must be furnished in lieu thereof.

Approved by the Secretary of War, Sept. 3, 1864.

Under the internal revenue law, each *affidavit* and *certificate* must have affixed to it a five-cent internal revenue stamp, which must be cancelled by the party affixing it, by writing across thereof his initials and the date

FORMS.

Application of Widow for Bounty and Arrears of Pay.

STATE OF _____, }
County of _____, } ss:

On this _____ day of _____, 18—, personally appeared before me, a _____ in and for the county and State aforesaid _____, of _____, in the county of _____ and State of _____, who, being duly sworn, declares that her age is _____ years; that she is the widow of _____, late of the county of _____, and State of _____, who was a _____ in company _____, commanded by _____, in the _____ regiment of _____, (Col. _____,) who died in the service of the United States at _____ on or about the _____ day of _____, 18—. That her maiden name was _____, and that she was married to said _____, deceased, on or about the _____ day of _____, 18—, at _____, by _____.

This declaration is made to recover all arrears of pay and other allowances due said deceased from the United States, and the bounty provided by the sixth section of the act of Congress approved July 22, 1861; and she directs all communications and the certificate for pay to be sent to her at _____ post office, county of _____, and State of _____.

(Signature of claimant.)

Also personally appeared before me _____ and _____, of the county of _____, and State of _____, to me well known as credible persons, who, being duly sworn, declare that they have been for _____ years acquainted with the above-named applicant and _____, deceased, who was a _____ in company _____ of the _____ regiment of _____, and know that _____; and that they have no interest whatever in this application.

(Signatures of witnesses.)

Sworn to and subscribed before me, this _____ day of _____, 18—.

(Official signature.)

I certify that _____, before whom the above declaration and

affidavit were made, is a——, duly authorized to administer oaths, and that the above is his signature.

In witness whereof I have hereunto set my hand and official seal, this——day of——, 18—.

[L. S.]

(Signature of clerk.)

NOTES.—1. Record evidence of marriage, duly authenticated under seal, *must* be furnished when in existence. If such record evidence *cannot* be furnished, it should be so stated in the application, and a certificate of marriage, sworn to by the officer or clergyman who officiated to be the original, or a correct copy thereof, duly authenticated, will be received. Should the claimant not be able to produce either record evidence or marriage certificate as aforesaid, let her say that "she is without a certificate of marriage, and is unable to procure record evidence of the same." Then, and in such a case, in addition to her own statements as to her marriage, the number, name, and ages of her children, if she has any, &c., there must be such a statement, by two disinterested witnesses, as will fully satisfy the accounting officers that they are well acquainted with the history of the family, and know the claimant to have been the lawful wife of deceased.

2. In all cases where a mark is substituted for the written signature, two disinterested witnesses are required.

Application of Father for Arrears of Pay and Bounty.

STATE OF ——, } ss:
County of ——, }

On this —— day of ——, 18—, personally appeared before me, a —— in and for the county and State aforesaid, ——, of ——, in the county of ——, and State of ——, aged —— years, who, being duly sworn, declares that he is the father of ——, late of ——, county and State of ——, who was a —— in company ——, commanded by ——, of the —— regiment of ——, who died in the service of the United States at ——, on or about the —— day of ——, 18 —, leaving neither wife nor child.

This application is made to recover all arrears of pay and other allowances due the deceased from the United States, and the bounty provided by the sixth section of the act of Congress approved July 22, 1861; and the applicant desires all communications and the certificate for pay sent to him at —— post office, county of ——, and State of ——.

(Signature of claimant.)

Also personally appeared before me —— and ——, of ——, county and State of ——, to me well known as credi-

ble persons, who, being duly sworn, declare that they have been for _____ years acquainted with the above-named applicant and with said _____, deceased, who was a _____ in company _____ of the _____ regiment of _____, and know said applicant to be the father of said deceased, and that said deceased left neither wife nor child; and that they have no interest whatever in this application.

(Signatures of witnesses.)

Sworn to and subscribed before me, this _____ day of _____, 18—.

(Official signature.)

I certify that _____, before whom the above declaration and affidavit were made, is a _____, duly authorized to administer oaths, and that the above is his signature.

In witness whereof I have hereunto set my hand and official seal, this _____ day of _____, 18—.

[L. s.]

(Signature of the clerk.)

NOTE.—In all cases where a mark is substituted for the written signature, two disinterested witnesses are required.

Application of Mother for Arrears of Pay and Bounty.

STATE OF _____, }
County of _____, } ss:

On this _____ day of _____, 18—, personally appeared before me, a _____, in and for the county and State aforesaid, _____, of _____, in the county of _____, and State of _____, who, being duly sworn, declares that she is _____ years of age, and is the mother of _____, late of _____ county and State of _____, who was a _____ in company _____, commanded by _____, of the _____ regiment of _____, and who died in the service of the United States at _____, on or about the _____ day of _____, 18—, leaving neither wife, child, nor father; that the name of the father of said deceased was _____, and that on or about the _____ day of _____, 18—, said _____, father of said deceased, _____.

This application is made to recover all arrears of pay and other allowances due said deceased from the United States;

and the bounty provided by the sixth section of the act of Congress approved July 22, 1861; and the applicant desires that all communications and the certificate for pay may be sent to her at ——— post office, county of ———, and State of ———.

(Signature of claimant.)

Also personally appeared before me ——— and ———, of ——— county, and State of ———, to me well known as credible persons, who, being duly sworn, declare that they have been for ——— years acquainted with the above-named applicant, and with said ——— deceased, who was a ——— in company ——— of the ——— regiment of ———, and died, leaving no wife or child, and know said applicant to be the mother of said deceased, her husband, the said ———, having ———, as stated in the applicant's declaration; and that they have no interest whatever in this application.

(Signature of witnesses.)

Sworn and subscribed before me, this ——— day of ———, 18—.

(Official signature.)

I certify that ———, before whom the foregoing declaration and affidavit were made, is a ———, duly authorized to administer oaths, and that the above is his signature.

In witness whereof I have hereunto set my hand and official seal, this ——— day of ———, 18—.

[L. S.]

(Signature of the clerk.)

NOTE.—In all cases where a mark is substituted for the written signature, two disinterested witnesses are required.

Application of Brothers and Sisters for Arrears of Pay and Bounty.

STATE OF ———, }
County of ———, } ss:

On this ——— day of ———, 18—, personally appeared before me, a ———, in and for the county and State aforesaid, ———, who, being duly sworn, declare that ———, the ———, of ———, late of ———, county and State of ———, who was a ——— in company ———, commanded by ———, of the

—— regiment of ——, who died in the service of the United States at ——, on or about the —— day of ——, 18—, leaving neither widow, child, father, mother, nor any other brother or sister than the present applicant .

This application is made to recover all arrears of pay and other allowances due said deceased from the United States, and the bounty provided by the sixth section of the act of Congress approved July 22, 1861 ; and —— direct all communications and the certificate for pay to be sent to ——, at —— post office, county of ——, and State of ——.

(Signatures of claimants.)

Also personally appeared before me —— and ——, of ——, county and State of ——, to me well known as credible persons, who, being duly sworn, declare that they have been for —— years acquainted with the above-named applicant , and with the said ——, deceased, who was a —— in company ——, of the —— regiment of ——, and know said applicant to be the —— of said deceased, and that he left neither widow, child, father, mother, nor other brother or sister than the above applicant ; and that they have no interest whatever in this application.

(Signatures of witnesses.)

Sworn to and subscribed before me, this —— day of ——, 18—.

(Official signature.)

I certify that ——, before whom the above declaration and affidavit were made, is a —— duly authorized to administer oaths, and that the above is his signature.

In witness whereof I have hereunto set my hand and official seal, this —— day of ——, 18—.

[L. s.]

(Signature of the clerk.)

(Post-office address of claimant.)

NOTES.—State in the declaration the name, age, and residence of each of the claimants, and the names of guardians, if any, with the names and ages of their wards. In case of guardianship, certified copies of letters of guardianship must be appended to the declaration.

In all cases where a mark is substituted for a written signature, two disinterested witnesses are required.

Application of Discharged Soldier for Arrears of Pay, &c.

STATE OF _____, }
 County of _____, } ss:

On this _____ day of _____, 18—, personally appeared before me, a _____, in and for the county and State aforesaid, _____, of _____, in the county of _____, and State of _____, who, being duly sworn according to law, declares that his age is _____ years; that he is a resident of _____, county of _____, State of _____, and that he is the identical _____ who was a _____ in company _____, of the _____ regiment of _____ volunteers, and who was discharged from the service of the United States at _____, on the _____ day of _____, 18—, by reason of _____, and that there is pay due him for services as aforesaid from the _____ day of _____, 18—, to the _____ day of _____ 18—, and also* _____ that his discharge is _____, and he desires all communications concerning this claim, and the certificate for pay, to be sent to him at _____, county of _____, and State of _____.

(Signature of claimant.)

Also personally appeared before me _____ and _____, of the county of _____, and State of _____, who, being duly sworn according to law, declare that they have been for _____ years acquainted with _____, the above-named applicant, who was a _____ in company _____, of the _____ regiment of _____ volunteers, and know him to be the identical person named in the foregoing declaration; and that they have no interest whatever in this application.

(Signatures of witnesses.)

Sworn to and subscribed before me, this _____ day of _____, 18—.

(Official signature.)

I certify that _____, before whom the foregoing declaration and affidavit were made, is a _____, duly authorized to administer oaths, and that the above is his signature.

In witness whereof I have hereunto set my hand and official seal, this _____ day of _____, 18 —.

[L. s.]

(Signature of the clerk.)

NOTE.—In all cases where a mark is substituted for the written signature, two disinterested witnesses are required.

* If anything other than pay proper be claimed, such as clothing, &c., state here fully the nature of the claim and the period when incurred.

The claimant's discharge papers should be attached to his application.

Guardian's Form.

STATE OF ———, }
County of ———, } ss:

On this ——— day of ———, 186—, personally appeared before me, a ———, in and for the county and State aforesaid, ———, of ———, in the State of ———, who, being duly sworn, declares that he is the legally appointed guardian, as appears by the letters of guardianship hereto annexed, of ———, minor ——— of ———, deceased, late a ——— in company ———, of the ——— regiment ——— volunteers, who died in the service of the United States at ———, on or about the ——— day of ———, 186—, leaving no ———; and that the above-named minor ——— are the only minor ——— of the said deceased soldier; and that the name and residences of the adult ——— are as follows:

This application is made to recover all arrears of pay, bounty, or other allowances due the deceased from the United States, and I desire that the certificate of pay issued in satisfaction thereof may be sent me at ———

(Signature.)

Also personally appeared ——— and ———, of ———, in the county of ———, and State of ———, who, being duly sworn, depose and say that they are personally acquainted with ———, the above-named applicant, and know him to be the legal guardian of the minor ——— of ———, deceased, late of company ———, of the ——— regiment ——— volunteers. That the said deceased soldier left surviving him no ———; and that the above-named wards are his only minor ———, and that the names and residences of all the adult ——— are as follows:

(Signatures.)

Subscribed and sworn to before me, this ——— day of ———, 186—, and I certify that the claimant and witnesses are personally known to me, and are credible and worthy of belief.

(Official signature.)

STATE OF _____, } ss :
County of _____, }

I hereby certify that _____, before whom the foregoing affidavits were made, is a _____, in and for the county of _____, and State of _____, duly authorized to administer oaths, and that his signature thereunto is genuine.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 186—.

[L. s.]

(Official signature.)

NOTES.—Should the guardian apply in behalf of the children of a deceased brother or sister of the soldier, the form will be varied according to the fact. If the application is in behalf of minor children of the deceased soldier, the fact and *date* of his wife's death must be proven. And in case there are *adult* heirs as well as minors, their application should accompany that of the guardian of the minors.

**CLAIM FOR COMPENSATION FOR PROPERTY TAKEN
BY UNITED STATES FORCES.**

Claimant's Application.

STATE OF _____, }
County of _____, } ss:

I,¹ _____, on oath state, that I am a citizen of the county and
tate aforesaid; that I was, at the date the claim hereinafter
Sset forth originated and have been ever since, loyal to the
United States; that on or about the¹ _____ day of¹ _____, 'in
the year _____, at or near the town of² _____, in the county
of² _____, and State of² _____, the following articles of³ _____
were taken from me by⁴ _____, to wit:⁵ _____: That⁶ _____
for said stores; that said stores were actually taken by said
officer for the use of, and used by, the army of the United
States; that no payment has been made or compensation re-
ceived in any way, or from any source whatever, for the whole
or any part of said claim; that it has not been transferred to
any person or persons whomsoever; and that the rates or
prices charged are reasonable and just, and do not exceed the
market rate or price of the articles at the time and place stated.
And I do hereby appoint _____ as my attorneys to prosecute
this claim for me, with full power of substitution and revoca-
tion, and to receive and receipt for the money or certificate
issued in payment thereof.

The claimant's post-office address is _____.

(Fifty-cent stamp.)

(Signature of claimant.)

STATE OF _____, }
County of _____, } ss:

This day personally appeared before the undersigned, _____,
of _____ county, in the State aforesaid, _____, who subscribed
and made oath to the foregoing affidavit, this _____ day of
_____, in the year one thousand eight hundred and _____.

(Five-cent stamp.)

(Signature of officer.)

Oath of Allegiance.

I, _____, do solemnly swear, [or affirm,] that I will support,
protect, and defend the Constitution and Government of the

United States, and the Union of the States thereunder, against all enemies, whether domestic or foreign; that I will bear true faith, allegiance, and loyalty to said Constitution and Government; that I will faithfully support and abide by all acts of Congress passed and all proclamations of the President made during the existing rebellion with reference to slaves, so long and so far as not modified or held void by Congress, or by decision of the Supreme Court of the United States; that I will faithfully perform all the duties which may be required of me by law; and, further, that I do this with a full determination, pledge, and promise, without any mental reservation or evasion whatsoever: So help me God.

(Signature of claimant.)

Subscribed and sworn to before me, by ———, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

(Five-cent stamp.)

(Signature of claimant.)

Affidavit of Witnesses.

STATE OF ———, }
County of ———, } ss:

We,¹ ———, and¹ ———, of the county of¹ ———, and State of¹ ———, who, being duly sworn according to law, state that on or about the² ——— day of² ———, in the year one thousand eight hundred and² ———, at or near the town of³ ———, in the county of³ ———, and State of³ ———, saw the³ ———, described and charged for in the foregoing claim of⁴ ———, consisting of the following articles, to wit:⁵ ———, actually taken by⁶ ———, for the use of the army of the United States, which stores were used by the said army; that the quantity charged is correct, and that the prices charged are reasonable and just, and do not exceed the market rate or price of the articles at the time and place stated.

(Signatures of witnesses.)

Subscribed and sworn to before me, by ——— and ———, this ——— day of ———, in the year one thousand eight hundred and ———.

(Five-cent stamp.)

(Signature of officer.)

UNITED STATES OFFICER'S CERTIFICATE.

(This Certificate can only be made by a United States Officer.)

I, ———, do certify that I am¹ ———, that I am well acquainted with² ———, the claimant in the case, and know that —he was, at the date h claim originated, and has been ever since, loyal to the United States, and that he is of good reputation for veracity, and is entitled to be believed. And I do further certify that I am well acquainted with³ ——— and⁴ ———, the witnesses who subscribed the foregoing affidavit, and that they are also of good reputation for veracity, and entitled to be believed.

(Signature of officer.)

STATE OF ———, }
County of ———, } ss:

I certify that ———, before whom the above affidavits were made, is a justice of the peace within and for the county and State aforesaid, duly authorized to administer oaths, and that the above is his genuine signature. And I further certify that the claimant, ———, is a citizen of ——— county, and State of ———.

In witness whereof I have hereunto set my hand and official seal, this ——— day of ———, eighteen hundred and sixty——.

(Five-cent stamp.)

[L. s.]

(Signature of clerk.)

Notes and Instructions for filling Blanks in Claimant's Affidavit.

1. Name of claimant, and date the stores were taken.
2. Place where the stores were taken.
3. If the articles taken pertained to the Quartermaster's Department, say "Quartermasters' stores;" if to the Commissary Department, say "Commissary supplies."
4. Name and rank of the officer by whom the stores or supplies were taken.
5. Here give a full description of the articles taken, as to quantity, kind, and value.
6. If no receipt or voucher was given, say "for which no receipt or voucher was given;" if a receipt or voucher was given, say "for which the receipt [or voucher] which is hereto attached was given." Attach the receipt or voucher to the claim.

~~For~~ Commissary supplies and Quartermasters' stores must not be put in the same claim.

Notes for Affidavit of Witnesses.

1. Name of witnesses and their place of residence.
2. The time and place where the stores were taken.
3. If the articles taken pertained to the Quartermaster's Department, say "Quartermasters' stores;" if to the Commissary Department, say "Commissary supplies."

4. Name of claimant from whom the stores were taken.
5. Here give a full description of the quantity, kind, and value of the stores or supplies taken. If the quantity cannot be given, state why.
6. Give the name, rank, and regiment of the officer by whom the stores or supplies were taken. If the name, rank, and regiment of the officer cannot be given, state why.

Notes for filling Certificate of Officer of the United States, Civil or Military.

1. Name, rank, or title of officer.
 2. Name of claimant.
 3. Names of the witnesses.
- ~~4.~~ This certificate may be made by any United States officer either in the CIVIL or military service.

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FORMS IN CASES OF COLORED TROOPS

Widow's Application for Arrears of Pay and Bounty.

STATE OF ———, }
County of ———, } ss:

On this ——— day of ———, 18—, personally appeared before me, a ——— in and for the county and State aforesaid, ———, of ———, in the county of ———, and State of ———, who, being duly sworn, deposes and says that she is a * ——— person of color; that her age is ——— years; that she is the widow of ———, deceased, late a resident of ———, in the State of ———, who was a ——— in company ——— of the ——— regiment United States colored troops, who enlisted at ———, in the State of ———, on or about the ——— day of ———, 186—, and who died in the service of the United States at ———, on or about the ——— day of ———, 186—. That her maiden name was ———, and that she was married to the said ——— on the ——— day of ———, 18—, at ———, in the State of ———, by ———, and that she ever afterwards lived with and deported herself as the lawful and dutiful wife of the said ———; that she has had by her said husband ——— children, named and aged, respectively, as follows: ———

The father makes oath that her said husband was a * ——— person at the time of entering the service of the United States, and had been ——— since the ——— day of ———, 18—. She makes this application to recover all arrears of pay, bounty, or other allowances due the deceased from the United States, and desires that the certificate of pay, when issued in satisfaction thereof, may be sent to her at ——— post office, county of ———, and State of ———.

(Signed in presence of—)

(Signature of claimant.)

Also personally appeared ——— and ———, of ———, in the county of ———, and State of ———, who, being duly sworn, depose and say that they are well acquainted with ———, the above-named applicant, who is a * ——— person of color, and know that she is the widow of the said ———, who was

a ——— in company ——— of the ——— regiment United States colored troops, and who died in the service of the United States, as above stated. That to their personal knowledge the said ——— and the said ——— lived together as husband and wife for ——— years, and were so recognized by all who knew them; that they had ——— children, aged respectively ——— and ——— years. They further make oath that the said ——— was a * ——— person at the time of entering the service of the United States, and had been ——— since the ——— day of ———, 18—. That their knowledge of these facts is derived from intimate acquaintance, having lived neighbors, within ——— miles of the claimant and deceased, for the last ——— years. They also declare that they have no interest whatever in this application.

(Signed in presence of—)

(Signature of witnesses.)

Subscribed and sworn to before me, on this ——— day of ———, 18—; and I certify that the claimant and witnesses are credible and worthy, and that the foregoing declaration and affidavit were carefully read to them before signing.

(Official signature.)

STATE OF ———, }
County of ———, } ss:

I hereby certify that ———, before whom the foregoing affidavits were made, is a ——— in and for the county of ——— and State of ———, duly authorized to administer oaths, and that his signature thereunto is genuine.

In testimony whereof I have hereunto set my hand and official seal, this ——— day of ———, 18—.

[L. S.]

(Official signature.)

NOTES.—1. If record evidence of marriage cannot be procured, there should be furnished parole evidence, such as the certificate of the officer performing the marriage rites, or the affidavits of witnesses present at the marriage. Should the claimant be unable to procure such evidence of marriage, then there should be furnished an affidavit of two disinterested witnesses, such as will fully satisfy the auditing officers that they *are well acquainted with the history of the family*, stating how long and where the parties lived together as husband and wife, the number, names, and ages of their children, if they had any, &c., &c.

2. Attestation of signatures by mark (x) must be written signatures.

3. In blank space in the form designated by an asterisk (*) is to be written the word *slave*, or *free*, as the fact may be.

Father's Application for Arrears of Pay and Bounty.

STATE OF ———, }
 County of ———, } ss :

On this ——— day of ——— 18—, personally appeared before me, a ——— in and for the county and State aforesaid, ———, of ———, in the county of ———, and State of ———, who, being duly sworn, deposes and says that he is a* ——— person of color; that his age is ——— years; and that he is the father of ———, deceased, late a resident of ———, in the State of ———, who was a ——— in company ——— of the ——— regiment United States colored troops, who enlisted at ———, in the State of ———, on or about the ——— day of ———, 18—, and who died in the service of the United States at ———, on or about the ——— day of ———, 18—, leaving neither wife nor child.

He further makes oath that his said son was born in wedlock, and that he never abandoned his support nor that of his family, and that his son was a* ——— person at the time of entering the service of the United States, and had been ——— since the ——— day of ———, 18—. He makes this application to recover all arrears of pay, bounty, and other allowances due the deceased from the United States, and desires that the certificate of pay, when issued in satisfaction thereof, may be sent to him at ——— post office, county of ———, and State of ———.

(Signature of claimant.)

(Signed in presence of—)

Also personally appeared ——— and ———, of ———, in the county of ———, and State of ———, who, being duly sworn, depose and say that they are personally acquainted with ———, the above-named applicant, who is a* ——— person of color, and were also well acquainted with ———, deceased, who was a ——— in company ——— of the ——— regiment U. S. colored troops, and know the said ——— to be the father of the said ———, who died in the service of the United States, as above stated, leaving neither wife nor child.

They also further make oath that the said ——— was born in wedlock, and that the said father never abandoned his sup-

port, nor that of his family, and that the said son was a* ——— person, and had been ——— since the ——— day of ———, 18—; and that their knowledge of these facts is derived from intimate acquaintance, having lived within ——— miles of claimant and family for the last ——— years. They also declare that they have no interest whatever in this application.

(Signed in presence of—)

(Signatures of witnesses.)

Subscribed and sworn to before me, this ——— day of ———, 18—; and I certify that the claimant and witnesses are credible and worthy, and that the foregoing declaration and affidavit were carefully read to them before signing.

(Official signature.)

STATE OF ———, }
County of ———, } ss:

I hereby certify that ———, before whom the foregoing affidavits were made, is a ——— in and for the county of ———, and State of ———, duly authorized to administer oaths, and that his signature thereunto is genuine.

In testimony whereof I have hereunto set my hand and official seal, this ——— day of ———, 18—.

[L. s.]

(Official signature.)

NOTES.—1. Attestation of signatures by mark (✕) must be by written signatures.

2. In the blank space designated by an asterisk (*) is to be written the word *slave*, or *free*, as the fact may be.

Mother's Application for Arrears of Pay and Bounty.

STATE OF ———, }
County of ———, } ss:

On this ——— day of ———, 18—, personally appeared before me, a ——— in and for the county and State aforesaid, ———, of ———, in the county of ———, and State of ———, who, being duly sworn, deposes and says that she is a* ——— person of color; that her age is ——— years; and that she is the mother of ———, deceased, late a resident of ———, in the State of ———, who was a ——— in company ——— of the ——— regiment United States colored troops, who enlisted at

——, in the State of ——, on or about the —— day of ——, 18——, and who died in the service of the United States at ——, on or about the —— day of ——, 18——, leaving neither wife, child, nor father. That the name of the father was ——, and that on or about the —— day of ——, 18——, the said ——.

She further makes oath that her said son was a* —— person, and had been —— since the —— day of ——, 18——. She makes this application to recover all arrears of pay, bounty, and other allowances due the deceased from the United States, and desires that the certificate of pay, when issued in satisfaction thereof, may be sent to her at —— post office, county of ——, and State of ——.

(Signed in presence of—)

(Signature of claimant.)

Also personally appeared —— and ——, of ——, in the county of ——, and State of ——, who, being duly sworn, depose and say that they are personally acquainted with ——, the above-named applicant, who is a* —— person of color, and were also well acquainted with ——, deceased, who was a —— in company —— of the —— regiment —— colored troops, and know the said —— to be the mother of the said ——, who died in the service of the United States, as above stated, leaving neither wife, child, nor father. That the name of the father was ——, and that on or about the —— day of ——, 18——, the said ——.

They also further make oath that the said —— was a* —— person at the time of entering the service of the United States, and had been —— since the —— day of ——, 18——; and that their knowledge of these facts is derived from intimate acquaintance, having lived within —— miles of the claimant and family for the last —— years. They also declare that they have no interest whatever in this application.

(Signed in presence of—)

(Signatures of witnesses.)

Subscribed and sworn to before me, this —— day of ——, 18——; and I certify that the claimant and witnesses are credible and worthy, and that the foregoing declaration and affidavit, were carefully read to them before signing.

(Official signature.)

STATE OF ———, } ss:
County of ———, }

I hereby certify that ———, before whom the foregoing affidavits were made, is a ——— in and for the county of ———, and State of ———, duly authorized to administer oaths, and that his signature thereunto is genuine.

In testimony whereof I have hereunto set my hand and official seal, this ——— day of ———, 18—.

[L. S.]

(Official signature.)

NOTES.—1. Attestation of signatures by mark (X) must be by written signatures.

2. In the blank space designated by an asterisk (*) is to be written the word *slave*, or *free*, as the fact may be.

Application of Brothers and Sisters for Arrears of Pay and Bounty.

STATE OF ———, } ss:
County of ———, }

On this ——— day of ———, 18—, personally appeared before me, a ——— in and for the county and State aforesaid, ——— who, being duly sworn, deposes and says that they are * ——— persons of color; and are the brothers and sisters of ———, deceased, late a resident of ———, in the State of ———, who was a ——— in company ——— of the ——— regiment United States colored troops, who enlisted at ———, in the State of ———, on or about the ——— day of ———, 18—, and who died in the service of the United States at ———, on or about the ——— day of ———, 18—, leaving neither wife, child, father, mother, nor any other brother or sister, either of the full or half blood.

We further make oath that the said ——— was a * ——— person at the time of entering the service of the United States, and had been a ——— since the ——— day of ———, 18—. We make this application to recover all arrears of pay, bounty, or other allowances due the deceased from the United States, and desire that the certificate of pay, when issued in satisfaction thereof, may be sent to ———, at ——— post office, county of ———, and State of ———.

(Signed in presence of—)

(Signatures of witnesses.)

Also personally appeared ——— and ———, of ———, in the county of ———, and State of ———, who, being duly sworn, depose and say that they are well acquainted with all of the above-named claimants, who are *——— persons of color, and know that they are the brothers and sisters of ———, deceased, who was a ——— in company ——— of the ——— regiment United States colored troops, and who died in the service of the United States, as above stated, leaving neither wife, child, father, mother, nor any other brother or sister, either of the full or half blood.

They also further make oath that the said ——— was a*——— person at the time of entering in the service of the United, and had been ——— since the ——— day of ———, 18—; and that their knowledge of these facts is derived from intimate acquaintance with the claimants and deceased, having lived within ——— miles of them for the last ——— years, and were acquainted with their parents in their lifetime. They also further declare that they have no interest whatever in this application.

(Signatures of witnesses.)

(Signed in presence of—)

Subscribed and sworn to before me, this ——— day of ———, 18—; and I certify that the claimant and witnesses are credible and worthy, and that the foregoing declaration and affidavit were carefully read to them before signing.

(Official signature.)

STATE OF ———, }
County of ———, } ss:

I hereby certify that ———, before whom the foregoing affidavits were made, is a ——— in and for the county of ———, and State of ———, duly authorized to administer oaths, and that his signature thereunto is genuine.

In testimony whereof I have hereunto set my hand and official seal, this ——— day of ———, 18—.

[L. s.]

(Official signature.)

NOTES.—1. Attestation of signatures by mark (X) must be by written signatures.

2. In blank space designated by an asterisk (*) is to be written the word *slave*, or *free*, as the fact may be.

3. Name, age, and residence of each of the claimants to be stated in the declaration. Minor heirs must apply through a guardian duly appointed, who will append to his application certified copies of letters of guardianship.

Application of Children for Arrears of Pay and Bounty.

STATE OF ———, County of ———, ss:

On this ——— day of ———, 18—, personally appeared before me, a ——— in and for the county and State aforesaid, ———, who, being duly sworn, depose and say that they are* ——— persons of color, and are the children of ———, deceased, late a resident of ———, in the State of ———, who was a ——— in company ——— of the ——— regiment United States colored troops, who enlisted at ———, in the State of ———, on or about the ——— day of ———, 18—, and who died in the service of the United States at ———, on or about the ——— day of ———, 18—, leaving neither wife nor other child.

We further make oath that the said ——— was a* ——— person at the time of entering the service of the United States, and had been a ——— since the ——— day of ———, 18—. We make this application to cover all arrears of pay, bounty, or other allowances due the deceased from the United States, and desire that the certificate of pay, when issued in satisfaction thereof, may be sent to ———, at ——— post office, county of ———, State of ———.

(Signatures of claimants.)

(Signed in presence of—)

Also personally appeared ——— and ———, of ———, in the county of ———, and State of ———, who, being duly sworn, depose and say that they are well acquainted with all the above-named claimants, who are* ——— persons of color, and know that they are the children of ——— deceased, who was a ——— in company ——— of the ——— regiment ——— United States colored troops, and who died in the service of the United States, as above stated, leaving neither wife nor other child.

They also further make oath that the said ——— was a * ——— person at the time of entering the service of the United States, and had been ——— since the ——— day of ———, 18—; and that their knowledge of these facts is derived from intimate acquaintance with the claimants and deceased, having lived within ——— miles of them for the last ——— years, and were acquainted with their mother in her lifetime. They also further declare that they have no interest whatever in this application.

(Signatures of witnesses.)

(Signed in presence of—)

Subscribed and sworn to before me, this — day of —, 18—, and I certify that the claimant and witnesses are credible and worthy, and that the foregoing declaration and affidavit were carefully read to them before signing.

(Official signature.)

STATE OF —, } ss:
County of —, }

I hereby certify that —, before whom the foregoing affidavits were made, is a — in and for the county of —, and State of —, duly authorized to administer oaths, and that his signature thereunto is genuine.

In testimony whereof I have hereunto set my hand and official seal, this — day of —, 18—.

[L. s.]

(Official signature.)

NOTES.—1. *Attestation of signatures by mark* (✕) must be by *written signatures*.

2. In the blank space designated by an asterisk (*) is to be written the word *slave*, or *free*, as the fact may be.

3. *Name, age, and residence* of each of the claimants to be stated in the declaration. Minor heirs must apply through a guardian duly appointed, who will append to his application certified copies of letters of guardianship.

With each and every application for pay and bounty due a *colored* soldier the attorney presenting the same must file his oath or affirmation that he has no interest whatever in said pay or bounty beyond the fees for the collection of the same as fixed and established by law. The failure to file such oath or affirmation will in every case result in the suspension of the application.

Application of Discharged Soldier for Additional Bounty under Act of July 28, 1866.

If this declaration is made before a justice of the peace or notary public, it must be certified to by the clerk of the proper court that such justice or notary was duly commissioned at the time. The seal of the court should be stamped on the original paper, or if on an attached certificate the impression should appear on the original. Where claimant or witness, or either, sign by mark, two disinterested witnesses who can write must attest the same. Applications executed before a notary public who has a certified copy of his commission on file in the department, with his signature and impress of his official seal thereon, need not be certified by a court of record.

STATE OF ———, }
County of ———, } ss:

On this ——— day ———, 18—, personally appeared before me, a ——— in and for the county and State aforesaid, ———, of ———, in the county of ———, and State of ———, personally known to me, who, being duly sworn according to law, declares that his age is ——— years, that he is a resident of ———, county of ———, State of ———, and that he is the identical ——— who was enlisted as a ——— in company ——— of the ——— regiment of ———, to serve for the period of ———, and was discharged from the service of the United States as a ———, at ———, on the ——— day of ———, 18—, by reason of *——, and that he was again enlisted as a ——— in company ——— of the ——— regiment of ———, to serve for the period of ———, and that he was discharged from the service of the United States as a ———, at ———, on the ——— day of ———, 18—, by reason of ———, and that there is an additional bounty of \$—— due him under the act of Congress approved July 28, 1866. And he does further declare that he has not bartered, sold, assigned, transferred, loaned, exchanged, or given away his final discharge papers, or any interest in the bounty provided by this or any other act of Congress; that he has not already received or is entitled to receive any other or greater bounty than \$100, and that the statement of service above given is a correct and true statement of any and all service rendered by him during the rebellion, and that he has never served otherwise than as stated, and he desires all communications concerning this claim to be sent to him at ———, county of ———, and State of ———.

(Signature of claimant.)

(Two witnesses who write must sign here.†)

Also personally appeared before me ——— and ———, of the county of ———, and State of ———, personally known to me, who, being duly sworn according to law, declare that they have been for ——— years acquainted with ———, the above-named applicant, who was a ——— in company ———, of the ——— regiment of ———, and know him to be the identical person named in the foregoing declaration, and that they have no interest whatever in this application.

(Signatures of witnesses.)

Sworn to and subscribed before me, this _____ day of _____,
186—. (Official signature.)

I certify that _____, before whom the foregoing declaration and affidavit were made, is a _____, duly authorized to administer oaths, and that the above is his signature.

In witness whereof I have hereunto set my hand and official seal, this _____ day of _____, 186—.

[L. s.]

(Signature of the clerk.)

* Where there was more than one enlistment, fill the following with facts; if no more than one, let the second statement remain blank.

† If the witnesses and claimant, or either of them, make their mark, let two persons who can write their names attest the signatures. The officer administering the oath cannot be one of the attesting parties.

When application is made by *heirs* of deceased soldiers for the *additional* bounty, they should so state the fact in the application, and, if possible give the number of the certificate issued in any previous settlement made by the Second Auditor. By the conditions of the rules and regulations prescribed by the War Department, it will be seen that *parents* are to apply *jointly*.

Application for Army Bounty on account of transfer from Army to Navy.

To enable this office to adjudicate a claim for bounty for men originally enlisted in the army and subsequently transferred to the navy, as provided by act approved February 24, 1864, it is requisite that the blanks for answers to the following inquiries be clearly and legibly filled up, and the appended deposition properly executed before any officer duly authorized by law to administer oaths, whose official character as such must be verified by the certificate and seal of a court of record.

If the applicant be now in the navy or marine corps, and *at sea*, this required deposition may be sworn to before the commanding officer of his vessel.

1st. *When and where did you enlist in the army, and for what term?*

Answer. ———.

2d. *Was this your first enlistment; and if not, state the company and regiment to which you originally belonged?*

Answer. ———.

3d. *Were you present with your company on every muster day; if not, state distinctly where you were, and on what duty?*

Answer. ———.

4th. *When and where were you transferred from the army to the navy or marine corps, (as the case may be,) and to what regiment and company of the army did you belong when so transferred, and what was the name and rank of your commanding officer?*

Answer. ———.

5th. *What amount of bounty was paid you after your enlistment into the army, and by whom paid?*

Answer. ———.

6th. *Was that sum the whole amount paid you for such enlistment?*

Answer. ———.

7th. *On board what vessel, or to what naval station, were you first sent when thus transferred?*

Answer. ———.

8th. *Were you indebted to the army for overdrawn clothing, advances, fines, or on any other account, when you were transferred to the navy; if so, to what amount, and on what account?*

Answer. ———.

9th. *Names of all the vessels of the navy on board of which you have, since your transfer to the navy, consecutively served, and the names of their respective commanders and paymasters?*

Answer. ———.

10th. *Have you been paid any bounty since serving in the navy; if so, when and where, and by whom was it paid?*

Answer. ———.

11th. *Are you entitled to any prize money for captures*

made by the vessel or vessels to which you were attached since your transfer to the navy; if so, state the name or names of the capturing vessels, and also of the captured vessels?

Answer. ———.

12th. Have you received any prize money on account of such captures; if so, how much, for what captures, when, and by whom paid?

Answer. ———.

13th. Are you still in the navy or marine corps; if not, when and where were you discharged; or how did you leave the naval service, if you were not regularly discharged therefrom.

Answer. ———.

STATE OF ———, }
County of ———, } ss:

On this ——— day of ———, 18—, personally appeared before me ———, and duly made oath that he is the identical person who has applied to the Fourth Auditor of the Treasury for the unpaid bounty claimed by him on account of his enlistment into the army of the United States, and that the answers to each and every of the foregoing inquiries in relation thereto, which have been read and carefully explained to him beforehand, are true.

(Signature of claimant.)

Also personally appeared before me ——— and ———, of the county of ———, and State of ———, who, being duly sworn according to law, declare that they have been for ——— years acquainted with ———, the above-named applicant, who was a ——— in company ——— of the ——— regiment of ——— volunteers, and know him to be the identical person named in the foregoing declaration; and that they have no interest whatever in this application.

(Signatures of witnesses.)

Sworn to and subscribed before me, this ——— day of ———, 18—.

(Official signature.)

I certify that ———, before whom the foregoing declaration and affidavit were made, is a ———, duly authorized to administer oaths, and that the above is his signature.

In witness whereof I have hereunto set my hand and official seal, this ——— day of ———, 18—.

[L. s.]

(Signature of the clerk.)

NOTE.—In all cases where a mark is substituted for the written signature, two disinterested witnesses are required.

Discharges, both from the army and navy, (if the claimant be not still in the latter service,) should always be sent with this paper, *after its execution*, to the Fourth Auditor's Office.

NOTE.

The editor appends the following instructions in relation to questions arising under the law of July 28, 1866. In these instructions are involved some material points, which have not yet been judicially decided by the authorities, giving construction to the law; yet it is believed that their decisions will substantially be in accordance with these instructions.

In case a soldier enlisted for three years, and having served two years, is re-enlisted, and dies in the service, his heirs are not entitled to the additional bounty; for, by his *re-enlistment*, he became entitled to receive from the United States *more* than \$100 bounty.

A soldier enlisted for three years, under the law granting \$100 bounty, and afterwards transferred to the navy, where he dies, his heirs would not be entitled. A soldier enlisted for three years, and, after the expiration of his term of enlistment, is honorably discharged, and died before the passage of the act of July 28, 1866, his heirs could not inherit. By this act the right of inheritance is limited to the widow, minor children, and parents; and as it is said in the report of the Secretary of War, Par. 9, that "non-residence in the United States shall not be a bar to the claims of heirs who would *otherwise* legally inherit," the question is often asked are not non-

resident parents entitled under this law? By Par. 8, Secretary's Report, defining the rights of parties under the law, he says: "that the act of July 28, 1866, creates no right of inheritance beyond those vested by the law, under which these heirs received or were entitled to receive the original bounty," and as no law of Congress previously enacted has created any right of inheritance to bounty in non-resident parents, it would follow, that such non-residents cannot inherit under the law of July 28, 1866.

A soldier enlisted and entitled to receive but \$100 bounty is discharged by reason of wounds or disease contracted in the service and in line of duty, and afterwards, and before July 28, 1866, dies of such wounds or disease; the heirs designated by the law could inherit the additional bounty.

In the settlement hereafter of claims for pay and bounty under previous laws, the additional bounty will be included; but if the claim has been filed in behalf of the father, it must be amended by an application from the mother.

If the claim is by guardian, and he has failed to give the ages of his wards, evidence will be required showing that such wards had not arrived at the age of majority on the 28th of July, 1866; and if claim has been made by the widow, she must show in evidence that she had not remarried before the passage of the law of July 28, 1866.

In case one of the parents has died since July 28, 1866, the additional bounty will be paid to the surviving parent.

And in case of abandonment by either of the pa-

rents, divorce, or mutual separation, either before or after the passage of the law, the same rules of evidence will prevail as heretofore required in such cases by the accounting officers.

Undoubtedly the rights of regularly licensed agents will be recognized under this law as under others.

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